

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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	:
HANESBRANDS INC. and HBI BRANDED	:
APPAREL ENTERPRISES, LLC,	:
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	:
Plaintiffs,	:
	:
- against -	: Civil Action No. 08-cv-0545 (VM)
	:
METRO SPORTS (d/b/a PLAYERS SPORTS, d/b/a	:
HOT DOT, d/b/a HIP HOP SPORTSWEAR); HOT	:
DOT FASHION, INC.; HIP HOP SPORTSWEAR	:
INC.; MICHAEL FASHIONS INC. (d/b/a	:
MICHAEL FASHION); LONDON BOY	:
SPORTSWEAR, LTD. (d/b/a LONDON BOY);	:
TRANDZ N.Y., CORP. (d/b/a OCTANE); OCTANE	:
NYC INC. (d/b/a OCTANE); FLASH SPORTS,	:
INC.; 104TH ST. FASHION INC. (d/b/a 104	:
STREET FASHIONS, d/b/a 104 FASHIONS); F.T.C.	:
FASHION; various JOHN and JANE DOES, and	:
XYZ COMPANIES (UNIDENTIFIED),	:
	:
Defendants.	:
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**AFFIDAVIT OF JACOB STEVEN WHARTON IN SUPPORT
OF MOTION FOR DEFAULT JUDGMENT**

1. I am an attorney with the law firm of Womble Carlyle Sandridge & Rice, PLLC and am licensed to practice law in the States of North Carolina and Missouri and am admitted to practice before this Court in this matter *pro hac vice*. I represent the Plaintiffs in the above-captioned matter. I have personal knowledge of the information contained in this Declaration, unless otherwise indicated. I submit this Affidavit in support of Plaintiffs' Motion for Default Judgment.

2. On January 22, 2008 Hanesbrands filed the Complaint in this action and the Summons issued that same day.

3. This is a trademark infringement action based on defendants offering for sale and selling counterfeit CHAMPION SUPER HOOD sweatshirts. The specific causes of action listed in the Complaint are: trademark infringement and counterfeiting pursuant to 15 U.S.C. §§ 1114(1) and 1116 (*see* Complaint, Count I, a true and correct copy of which is attached hereto as Exhibit A); federal unfair competition and false designation of origin pursuant to 15 U.S.C. § 1125(a) (*Id.*, Count II); federal trademark dilution pursuant to 15 U.S.C. § 1125(c) (*Id.*, Count III); trademark infringement and unfair competition pursuant to New York General Business Law § 360-o, New York common law, and the common law of other states (*Id.*, Count IV); dilution and injury to business reputation pursuant to New York General Business Law § 360-l (*Id.*, Count V); deceptive acts and practices pursuant to New York General Business Law §§ 349 and 350, New York common law, and the common law of other states (*Id.*, Count VI); and common law unjust enrichment (*Id.*, Count VII).

4. Attached hereto as Exhibit B is a true and accurate copy of the Affidavit of Richard Heller (Doc. 6-2) dated January 14, 2008 along with Exhibits A through O thereto.

5. Plaintiffs served the Summons and Complaint via personal service by a process server on all defendants on January 30, 2008. Service was properly made on all defendants.

6. None of the defendants so served, all of which are retail stores, are infants, in the military, or incompetent.

7. On February 5, 2008 Hanesbrands filed a Notice of Dismissal dismissing defendant Metro Sports, Inc. (but not a separate defendant similarly named "Metro Sports").

8. Also on February 5, 2008 Hanesbrands filed a Motion for Leave to File a First Amended Complaint. The Motion for Leave to File a First Amended Complaint attached the Plaintiff's proposed First Amended Complaint as Exhibit A thereto and was mailed, along with the Notice of Dismissal, to each defendant at their last known mailing address. Plaintiff's First Amended Complaint is the same as Plaintiff's original Complaint but for the omission of the dismissed defendant (Metro Sports, Inc.).

9. On February 11 and 28, 2008 Plaintiffs filed through the Court's Electronic Court Filing service Affidavits of Service reflecting service of the Complaint on all defendants.

10. Defendants' due date to answer or otherwise plead was February 19, 2008. Defendants have not timely answered Plaintiff's Complaint or otherwise plead, and to date, defendants have not filed a response to Plaintiff's Motion for Leave to File the First Amended Complaint, a response to which was due on February 19, 2008.

11. Hot Dot Fashion, Inc. ("Hot Dot") was and has been served with process and other papers at 3542 Broadway, New York, New York 10031, the address listed with the New York Department of State ("NYDOS") for service of process.

12. Attached hereto as Exhibit C is a true and correct copy of the Affidavit of Manuel Martinez (Doc. 6-4) dated January 18, 2008 along with Exhibits A through J thereto. Exhibit C to the Affidavit of Manuel Martinez shows that there appears to be connection between Metro Sports, Hot Dot, and Hip Hop Sportswear, Inc. ("Hip Hop"). Several of these stores display or provide indicia of a relationship with one another. *See* Martinez Aff., Exs. A-C. Attached hereto are true and correct copies of the Affidavits of Ruandy Melo (Exhibit M) and Allen Ortiz (Exhibit N).

13. Defendant Hip Hop Sportswear, Inc. ("Hip Hop") was and has been served with process and other papers at 565 West 145th Street, New York, New York 10031, the address once listed with the NYDOS for service of process.

14. Hip Hop is no longer registered with the NYDOS.

15. Metro Sports is not registered with the New York Department of State. Metro Sports, Inc., however, is registered and is apparently not associated with Metro Sports. Metro Sports, Inc. was dismissed from this action without prejudice after being named in the original Complaint.

16. All defendants have been served with notice of Plaintiffs' Motion for Default Judgment by mailing the Notice of Motion for Default Judgment, Motion for Default Judgment, and Memorandum in Support of Plaintiffs' Motion for Default Judgment, this affidavit, and all exhibits hereto to the last known mailing address of each defendants as set forth in the Certificate of Service on the Notice of Motion for Default Judgment. A copy of these papers was mailed to each named defendant, even if the address was the same.

17. Based on information and belief, the named defendants are retail stores located in Manhattan or the Bronx that sell, among other items, apparel, including at one time the counterfeit sweatshirts that form the basis for this action.

18. On March 25, 2008 Plaintiffs obtained a Certificate of Default, based on the original Complaint, as to all the remaining named defendants. A true and correct copy of the Certificate of Default is attached hereto as Exhibit D.

19. A copy of the Certificate of Default was mailed to the last known mailing address for each defendant on March 31, 2008. True and correct copies of the letters mailed are attached hereto as Exhibit E, a group exhibit.

20. Plaintiffs have made repeated requests to the defendants for information regarding the source of the counterfeit goods. Plaintiffs served a letter with the Summons and Complaint asking defendants to contact Plaintiffs' counsel to discuss this matter. Plaintiffs hoped that defendants would provide information on the source of the counterfeit goods and documents concerning defendants' purchase of the counterfeit goods. A true and correct copy of the letters served on defendants along with the Summon and Complaint are attached hereto as Exhibit F. A follow-up letter again requesting information was served by U.S. Mail after the Clerk's Office issued the Certificate of Default. *See* Ex. E.

21. I have spoken over the phone to representatives of Flash Sports (Ibrahim Dotse), Octane/Trandz (Hassan Ishmal), London Boy/Michael Fashions (Ali Khalil), and F.T.C. (Mohammed Ceesay) about this case. I spoke to Messrs. Khalil and Ceesay twice about this case. On February 12, 2008 Mr. Khalil said he would fax an invoice for the purchase of sweatshirts. This fax never came nor did any confirmation that no such paperwork exists. When I spoke with these defendants, I requested that defendants provide: all information on where they obtained the counterfeit sweatshirts; copies of all paperwork related to their acquisition of the counterfeit sweatshirts; and the total number of counterfeit sweatshirts obtained and sold. Despite these defendants telling me they would work with us on this matter, and send paperwork, if they located any, I was never provided any of the information requested or even confirmation that no paperwork for the counterfeit sweatshirts exists. However, I note that Mr. Dotse from Flash Sports did provide information concerning a source in Missouri where he bought some Super Hood sweatshirts. On information and belief, these are believed to be authentic sweatshirts, not the counterfeits. However, on February 5, 2008 Mr. Dotse also reported buying Super Hood sweatshirts from a man who stopped in the store. The fact that representatives from

Flash Sports, Octane/Trandz, London Boy/Michael Fashions, and F.T.C. contacted me indicates they received and reviewed the Summons and Complaint.

22. Plaintiffs first hired MMCA Group, Ltd. to investigate the source of counterfeits. Unfortunately, MMCA was not able to locate the source. Plaintiffs then hired Abacus Investigations & Security (Abacus) to serve the Summons and Complaint. Plaintiffs also hired Abacus to survey defendants' counterfeiting activities just before the Summons and Complaint was served and again after service to determine whether defendants stopped selling counterfeits. Abacus visited each defendants' store on or about January 29, 2008 and reported that some of the stores were still selling counterfeit sweatshirts even after receiving the Summons and Complaint (along with motions for a temporary restraining order, preliminary injunction, and seizure). Attached hereto as Exhibit G is a true and correct copy of the report received from Abacus regarding the January 29, 2008 investigations. Exhibit G shows that F.T.C. Fashion had approximately 10 counterfeit sweatshirts; Michael Fashion had approximately 50 counterfeit sweatshirts; London Boy had approximately 100 counterfeit sweatshirts; Octane/Trandz had approximately 40 counterfeit sweatshirts; and Flash Sports had approximately 10 sweatshirts. The other defendants, Metro Sports and 104 St. Fahsion had apparently sold out of counterfeit sweatshirts. Abacus revisited defendants' stores on or about February 29, 2008 and attempted to collect information on the counterfeiting. A true and correct copy of the report received from Abacus regarding the February 29, 2008 is attached hereto as Exhibit H. Although Plaintiffs were given some information by the owner of Flash Sports, Ibrahim Dotse, regarding source, other than that information, the defendants have not cooperated. Moreover, Mr. Ceesay from F.T.C. was not present despite a previously scheduled 2:00 p.m. meeting with the investigator to

discuss this case. Despite Flash Sports' providing some contact information, they have not provided any other information, e.g., the number of counterfeits obtained and sold.

23. On April 11, 2008, Plaintiffs provided the Court a status report indicating that they intended to file a motion seeking default judgment. A copy of this letter was mailed to the last known address of each defendant. A true and correct copy of that letter is attached hereto as Exhibit I.

24. Plaintiffs brought this case based on trademark infringement, federal, state, and New York common law trademark counterfeiting; federal, state, and New York common law unfair competition; dilution and injury to business reputation under New York law; deceptive act and practices under New York law; and common law unjust enrichment.

25. The defendants sold counterfeit goods in Manhattan, the Bronx, and the State of New York.

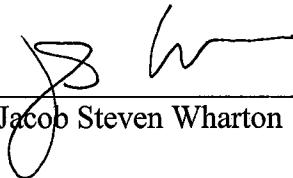
26. True and correct copies of invoices from Morgan & Finnegan, LLP regarding this case are attached hereto as Exhibit J.

27. True and correct copies of invoices from Womble Carlyle Sandridge & Rice, PLLC regarding this case are attached hereto as Exhibit K. There are two invoices for services rendered through December 31, 2007 and two invoices for services rendered through January 31, 2007.

28. The services rendered by Morgan Finnegan, LLP and Womble Carlyle Sandridge & Rice, PLLC included the preparation and delivery to the court of a motion for *ex parte* seizure, motion to show cause why a temporary restraining order should not issue, motion for temporary restraining order, motion for expedited discovery and preservation, motion for secrecy, and proposed orders accompanying each motion. A table setting forth the fees and disbursements for

both first is attached hereto as Exhibit L. Fees and costs are recoverable under 15 U.S.C. 1117(a) as this is an exceptional case.

Further affiant sayeth not.



Jacob Steven Wharton

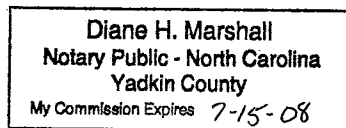
STATE OF NORTH CAROLINA

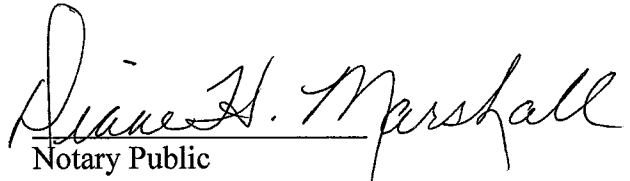
COUNTY OF FORSYTH

I, DIANE MARSHALL, a Notary Public for said County and State, do hereby certify that Jacob Steven Wharton, as Affiant on behalf of Hanesbrands Inc. and HBI Branded Apparel Enterprises, LLC, personally appeared before me and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 21st day of April, 2008.

[Official Seal]





Notary Public

My commission expires 7-15-2008.

Exhibit A

Affidavit of Jacob Steven Wharton

counterfeiting and infringement under Sections 32 and 34 of the United States Trademark Act of 1946, as amended (the "Lanham Act"), 15 U.S.C. §§ 1114, 1116; unfair competition, false designation of origin, and false description under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); dilution and tarnishment of HBI's trademarks under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(c); trademark infringement and unfair competition under New York General Business Law § 360-o and common law; dilution and injury to business reputation under New York General Business Law 360-l; deceptive acts and practices pursuant to New York General Business Law §§ 349 and 350 and common law; and common law unjust enrichment. Plaintiffs seek an order pursuant to Section 34(d) of the Lanham Act, 15 U.S.C. § 1116(d), authorizing *ex parte* seizure of the counterfeit and infringing goods and Defendants' business records identifying Defendants' sources and customers. In addition, Plaintiffs seek an *ex parte* temporary restraining order and preliminary, as well as permanent injunctive relief, to prevent the sale, shipment, and further distribution of the counterfeit and infringing goods, as well as an accounting of profits, and treble damages or statutory damages of up to \$1,000,000 per counterfeit mark per type of goods sold or distributed as authorized by Section 35(c) of the Lanham Act, 15 U.S.C. § 1117(c), as well as recovery of attorneys' fees and other relief authorized by the Lanham Act and applicable state law.¹

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction under Section 39 of the Lanham Act, 15 U.S.C. § 1121, and under Sections 1331 and 1338(a) and (b) of the Judicial Code, 28 U.S.C. §§ 1331, 1338(a) & (b). Supplemental jurisdiction exists over Plaintiffs' state law claims pursuant to 28 U.S.C. § 1367.

¹ Plaintiffs do not seek an *ex parte* preliminary injunction and permanent injunction.

3. This Court has personal jurisdiction over Defendants because, on information and belief, Defendants do business in the State of New York and in this judicial district, have committed the tortious acts described herein in the State of New York and in this judicial district, or have otherwise established contacts with the State of New York and this judicial district sufficient to make the exercise of personal jurisdiction proper.

4. Venue is proper under Section 1391(b) of the Judicial Code, 28 U.S.C. § 1391(b), because a substantial part of the events giving rise to the claims occurred in this district and, upon information and belief, Defendants either reside or may be found here.

THE PARTIES

5. Plaintiff Hanesbrands Inc. ("Hanesbrands") is a Maryland corporation with a place of business at 1000 East Hanes Mill Road, Winston-Salem, North Carolina 27105.

6. Plaintiff HBI Branded Apparel Enterprises, LLC ("HBI") is a Delaware limited liability company with a place of business at 1000 East Hanes Mill Road, Winston-Salem, North Carolina 27105. HBI is the owner of the federally-registered CHAMPION Marks and the federally-registered SUPER HOOD Mark.

7. HBI is a wholly-owned subsidiary of Hanesbrands. In addition to being the parent company of HBI, Hanesbrands is a non-exclusive licensee, in the United States, of the trademarks owned by HBI, that are identified below. (For convenience, and unless the context indicates otherwise, the above-named Plaintiffs, together with any relevant corporate subsidiaries, affiliates, and related companies, as well as the predecessors-in-interest to the trademarks that are the subject of this action, will hereinafter be referred to collectively as "Plaintiffs" and shall refer to either HBI, Hanesbrands, or both depending on the context.)

8. Upon information and belief, Defendant Metro Sports, Inc. ("Metro Sports") is a New York corporation with places of business at 565 West 145th Street, Manhattan, New York 10031; 2946 Third Avenue, Bronx, New York 10455; 3542 Broadway, Manhattan, New York 10031; and 118 West 125th Street, Manhattan, New York, 10027. Upon information and belief, Metro Sports is related to or doing business as Players Sports and Hot Dot Sportswear at 3542 Broadway, Manhattan, New York 10031; and Hip Hop Sportswear at 118 West 125th Street, Manhattan, New York 10027 and 2946 Third Avenue, Bronx, New York 10455.

9. Upon information and belief, Defendant Hot Dot Fashion, Inc. is a New York corporation with a place of business at 3542 Broadway, Manhattan, New York 10031.

10. Upon information and belief, Defendant Hip Hop Sportswear, Inc. is a New York corporation, with a place of business at 565 West 145th Street, Manhattan, New York 10031.

11. Upon information and belief, Defendant Michael Fashions Inc. d/b/a as Michael Fashion is a New York corporation with a place of business at 2936 Third Avenue, Bronx, New York 10455.

12. Upon information and belief, Defendant London Boy Sportswear, Ltd. d/b/a London Boy is a New York corporation with a place of business at 2908 Third Avenue, Bronx, New York 10455.

13. Upon information and belief, Defendant Trandz N.Y., Corp. is a New York corporation with a place of business at 560 Melrose Avenue, Bronx, New York 10455.

14. Upon information and belief, Defendant Octane NYC Inc. is a New York corporation with a place of business at 560 Melrose Avenue, Bronx, New York 10455.

15. Upon information and belief, Defendant Flash Sports, Inc. is a New York corporation with a place of business at 16 West 125th Street, Manhattan, New York 10027.

16. Upon information and belief, Defendant 104th St. Fashion, Inc. d/b/a 104 Street Fashions, d/b/a 104 Fashions maintains a place a business at 1887 Third Avenue, Manhattan, New York 10029.

17. Upon information and belief, Defendant F.T.C. Fashion ("FTC") maintains a place of business at 3663 Broadway, Manhattan, New York 10031.

18. Upon information and belief, various John and Jane Does as well as unidentified business entities, the identities of which will be determined through discovery, conduct business and traffic in counterfeit goods bearing Plaintiffs' federally-registered trademarks.

FACTS COMMON TO ALL CLAIMS

A. Plaintiffs' Trademarks

19. Plaintiffs, their affiliated companies, predecessors-in-interest, authorized licensees and authorized subcontractors, are engaged in the design, manufacture, marketing, advertising, distribution, and sale in interstate commerce of apparel, including sweatshirts.


20. Beginning at least as early as 1918 the predecessors-in-interest to Plaintiffs adopted and began using various trademarks incorporating the CHAMPION trademark. Since that time, Plaintiffs or their predecessors-in-interest have continuously used trademarks incorporating the CHAMPION trademark both standing alone or in connection with the distinctive "C" logo (see below) in interstate commerce in the United States for the purpose of identifying Plaintiffs' apparel products and for distinguishing goods from the goods of others. For ease of reference, these trademarks are referred to collectively herein as the "CHAMPION Marks" (which excludes the SUPER HOOD Mark). The CHAMPION Marks have been used in connection with sweatshirts at least as early as the mid-1960's.



21. Beginning at least as early as August 2002, Plaintiffs adopted and began using the SUPER HOOD Mark. Since that time, Plaintiffs have continuously used the SUPER HOOD Mark in interstate commerce for the purpose of identifying Plaintiffs' apparel products and for distinguishing goods from the goods of others. (For convenience, the CHAMPION Marks and SUPER HOOD Mark are referred to herein as the "CHAMPION and SUPER HOOD Marks.")

22. In connection with its use of the CHAMPION Marks, HBI owns numerous federal trademark registrations and all of the goodwill associated therewith in connection with a wide array of goods and services, including, *inter alia*, sweatshirts.

23. In addition, HBI owns a federal trademark registration for the SUPER HOOD Mark and all of the good will associated therewith in connection with a sweatshirts, sweatpants, and jackets.

24. The registrations pertinent to this action, along with the initial registration for CHAMPION, are as follows:

MARK	REGISTRATION NO.	GOODS
CHAMPION	274,178 (registered Aug. 29, 1930)	Hosiery
	1,127,251 (registered Dec. 4, 1979)	Laundry bags, also suitable for use as sundry bags; pennants and banners; Men's and Boys' Football Uniforms, Athletic Shorts, Men's Neckties, Men's Scarves, Football Jerseys, Jackets, Sweat Pants, <u>Sweat Shirts</u> , Warm Up Shirts, Warm Up Pants, Sweat Suits, T-Shirts, One Piece and Two-Piece Physical Education Uniforms, Pullovers, Tank Tops, Polo Shirts, Hats, Caps, Baby Bibs, Baseball Shirts; and Heat

		Transfer Appliques to be applied to clothing
	1,323,337 (registered Mar. 5, 1985)	Athletic and Physical Education Uniforms – Namely T-Shirts, Knit Sport Shirts, Athletic Shorts, <u>Sweat Shirts</u> , Sweat Pants, Warm-Up Suits, Jackets and Sweaters
	1,915,092 (registered Aug. 29, 1995)	Clothing, namely hooded and unhooded jerseys, bathrobes, sleepwear, cover-ups, bras, parkas, aerobic wear, namely tops and bottoms, swimwear, pants, shorts, athletic uniforms, physical education uniforms, T-shirts, knit sports shirts, athletic shorts, <u>sweatshirts</u> , sweatpants, warm-up suits, jackets, sweaters, vests, wind-resistant clothing, namely tops and bottoms, replica, athletic jerseys, singlets, tights, belts, headbands, wristbands, underwear, and undershirts
CHAMPION	2,319,994 (registered Feb. 22, 2000)	Physical education uniforms, athletic uniforms, <u>sweatshirts</u> , sweatpants, sweaters, T-shirts, socks, shorts, pants, jerseys, bathrobes, sleepwear, cover-ups, bras, parkas, tops and bottoms for use in aerobics, shirts, warm-up suits, jackets, vests, wind resistant pants and jackets, replica athletic jerseys, singlets, tights, belts, headbands, wristbands, underwear, hats, caps, and tank tops
SUPER HOOD	3,140,617 (registered Sep. 5, 2006 on the Supplemental Register)	<u>Sweatshirts</u> , sweatpants, jackets

25. Copies of the Registration Certificates for the above-listed federal registrations are attached hereto as Exhibits A-F. These registrations are all valid, subsisting, uncanceled, unrevoked, and in full force and effect. Registration Numbers 1,323,337; 1,915,092 and 2,319,994 are incontestable pursuant to 15 U.S.C. § 1065.

26. The registration of the CHAMPION Marks constitutes *prima facie* evidence of their validity and conclusive evidence of Plaintiffs' exclusive rights to use the CHAMPION Marks in commerce in connection with the goods named therein, and commercially related goods. The registration of the CHAMPION Marks also constitutes constructive notice to the Defendants of Plaintiffs' ownership and exclusive rights in the CHAMPION Marks.

27. As noted above, sweatshirts are among the goods for which HBI has registered and licensed the CHAMPION and "C" logo trademarks and the SUPER HOOD Mark.

28. Hanesbrands' products bearing the CHAMPION and SUPER HOOD Marks are sold throughout the United States in a wide variety of retail stores.

29. In accordance with 15 U.S.C. § 1111, the CHAMPION and SUPER HOOD Marks are, and have been, displayed on Hanesbrands' products, or on the packaging, marketing, or advertising materials, for such products, and are and were accompanied by the notation "®" to provide notice that the CHAMPION and SUPER HOOD Marks are federally registered.

30. Plaintiffs maintain strict quality control standards for all products manufactured under the CHAMPION and SUPER HOOD Marks.

31. Hanesbrands has extensively advertised and promoted sweatshirts sold under the CHAMPION and SUPER HOOD Marks throughout the United States by means of various

media, including, without limitation, television, the Internet, newspapers, magazines, and direct mail.

32. As a consequence of Hanesbrands' long and continuous use of the CHAMPION Marks throughout the United States and worldwide, and due to the significant investment of time, money, and efforts, widespread sales, and the high quality of Hanesbrands' products sold in connection with the CHAMPION and SUPER HOOD Marks, the CHAMPION and SUPER HOOD Marks have acquired enormous value and have become extremely well-known to the consuming public and trade as identifying and distinguishing the source of Plaintiffs' products exclusively and uniquely.

33. Because of the great public acceptance of Plaintiffs' CHAMPION products, the CHAMPION Marks and trade name have come to represent an enormous goodwill and are famous not only in the United States but throughout the world, thereby entitling the CHAMPION Marks to the greater protection afforded marks of such international distinction under both the laws of the United States and international treaties, such as the Paris Convention and the Trade-Related Aspects of Intellectual Property Rights Agreement (the "TRIPS Agreement"), both of which were entered into by the United States.

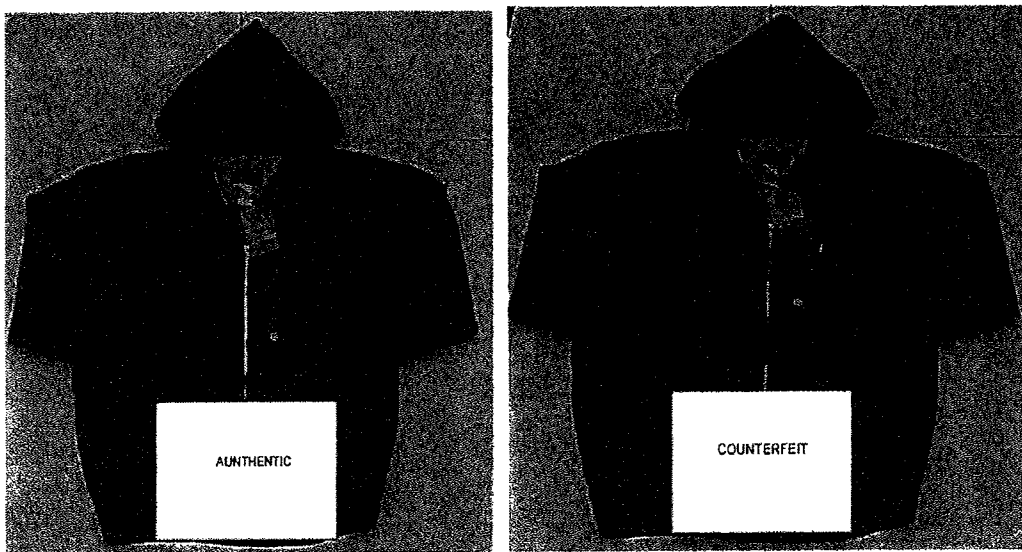
B. Defendants' Unlawful Conduct

34. Upon information and belief, Defendants traffic in counterfeit apparel bearing counterfeits of Plaintiffs' CHAMPION and SUPER Hood Marks, including, without limitation, sweatshirts (the "Counterfeit Products").

35. Upon information and belief, Defendants, without authorization or license from Plaintiffs, have knowingly and willfully used, reproduced, or copied Plaintiffs' CHAMPION and SUPER HOOD Marks in connection with their manufacturing, distributing, exporting,

importing, shipping, advertising, offering for sale, selling, and facilitating the sale of Counterfeit Products in interstate, intrastate, and international commerce, that are counterfeit and infringing copies of Plaintiffs' products.

36. For purposes of comparison, photographs of a Counterfeit Product and an authentic SUPER HOOD® sweatshirt is produced below:²



37. Upon information and belief, Defendants have manufactured the Counterfeit Products without authorization from Plaintiffs, or purchased the Counterfeit Products from a source or sources that are not authorized or licensed by Plaintiffs to manufacture, offer for sale, or sell the products bearing the CHAMPION or SUPER HOOD Marks.

² To ease the Court's examination, examples of a counterfeit product and an authentic sweatshirt accompany the Affidavit of Richard Heller as Exhibits D (counterfeit) and E (authentic) submitted in support of Plaintiffs' Motion for a Temporary Restraining Order (*Ex Parte*), Seizure Order (*Ex Parte*), Preservation Order (*Ex Parte*), Order to Show Cause Why A Preliminary Injunction Should Not Issue, and Secrecy Order (*Ex Parte*), filed herewith.

38. The Counterfeit Products are not genuine Plaintiffs' products. Plaintiffs did not manufacture, inspect, or package the Counterfeit Products, and did not approve the Counterfeit Products for sale or distribution.

39. Defendants are not authorized by Plaintiffs to manufacture, advertise, distribute, export, import, ship, sell, offer to sell, or facilitate the sale of any products bearing Plaintiffs' CHAMPION or SUPER HOOD Marks that are not authentic products.

40. Defendants' aforesaid use of Plaintiffs' CHAMPION and SUPER HOOD Marks in connection with the advertising, marketing, distribution, import, export, shipping, offering for sale, sale, and facilitation of the sale of Counterfeit Products have already caused, and in the future are likely to cause, confusion among potential customers who will be deceived into believing that Defendants' Counterfeit Products are authentic products, thus harming the consuming public and irreparably harming Plaintiffs' valuable reputation and goodwill.

41. Defendants' aforesaid conduct is occurring, among other places, in New York City, in the State of New York, and within this judicial district.

42. The aforesaid conduct is causing Plaintiffs irreparable harm, for which there is no adequate remedy at law.

COUNT I

FEDERAL TRADEMARK COUNTERFEITING AND INFRINGEMENT (15 U.S.C. §§ 1114, 1116)

43. Plaintiffs repeat and reallege Paragraphs 1 through 42 as if fully set forth herein.

44. Without authorization or consent, and having knowledge of Plaintiffs' well-known and prior rights in the CHAMPION and SUPER HOOD Marks, Defendants have manufactured, shipped, offered for sale, sold, or facilitated the sale of Counterfeit Products bearing marks that are reproductions, counterfeits, copies, or colorable imitations of Plaintiffs'

CHAMPION and SUPER HOOD Marks to the consuming public in direct competition with the sale of Plaintiffs' authentic products, in or affecting interstate commerce, in violation of Sections 32 and 34 of the Lanham Act, 15 U.S.C. §§ 1114, 1116.

45. Defendants' use of reproductions, counterfeits, copies, or colorable imitations of Plaintiffs' CHAMPION and SUPER HOOD Marks is likely to cause confusion, mistake, or deception as to the source or sponsorship of Defendants' goods and cause the consuming public to believe that Defendants' goods have been manufactured or approved by Plaintiffs or that Defendants are legitimately connected with Plaintiffs or authorized by Plaintiffs to use the CHAMPION or SUPER HOOD Marks.

46. Defendants' conduct is causing immediate and irreparable injury to Plaintiffs, their goodwill and reputation, and will continue to damage Plaintiffs and deceive the public unless temporarily, preliminarily, and permanently enjoined by this Court pursuant to 15 U.S.C. § 1116.

47. In addition to injunctive relief, Plaintiffs are entitled to recover actual damages, Defendants' profits, costs, and reasonable attorneys' fees under 15 U.S.C. § 1117 in an amount to be determined at trial. Any such damages and awards should be trebled pursuant to 15 U.S.C. § 1117(b). Plaintiffs reserve the right to seek statutory damages pursuant to 15 U.S.C. § 1117(c).

48. Plaintiffs are further entitled to an Order directing that all items in the possession, custody, or control of Defendants bearing reproductions, counterfeits, copies, or colorable imitations of Plaintiffs' registered marks be delivered up to Plaintiffs and destroyed pursuant to 15 U.S.C. § 1118.

COUNT II

FEDERAL UNFAIR COMPETITION AND FALSE DESIGNATION OF ORIGIN
(15 U.S.C. § 1125(a))

49. Plaintiffs repeat and reallege Paragraphs 1 through 48 as if fully set forth herein.

50. Defendants' unauthorized use of reproductions, counterfeits, copies, or colorable imitations of Plaintiffs' CHAMPION and SUPER HOOD Marks is likely to cause confusion, to cause mistake, or to deceive the consuming public and the trade as to the origin, sponsorship, or approval of Defendants' products. As a result of Defendants' unauthorized uses of reproductions, counterfeits, copies, or colorable imitations of Plaintiffs' CHAMPION and SUPER HOOD Marks in connection with Counterfeit Products, the consuming public and trade is likely to believe that Defendants' goods have been manufactured or approved by Plaintiffs, and such use falsely represents Defendants as being legitimately affiliated, connected, or associated with or authorized by Plaintiffs and places Plaintiffs' valuable and hard-earned reputation and goodwill in the hands of the Defendants in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

51. Defendants' conduct is causing immediate and irreparable injury to Plaintiffs, their goodwill and reputation, and will continue to damage Plaintiffs and deceive the public unless temporarily, preliminarily, and permanently enjoined by this Court pursuant to 15 U.S.C. § 1116.

52. In addition to injunctive relief, Plaintiffs are entitled to recover actual damages, Defendants' profits, costs, and reasonable attorneys' fees under 15 U.S.C. § 1117 in an amount to be determined at trial. Any such damages and awards should be trebled pursuant to 15 U.S.C. § 1117(b). Plaintiffs' reserve the right to seek statutory damages pursuant to 15 U.S.C. § 1117(c).

53. Plaintiffs are further entitled to an Order directing that all items in the possession, custody, or control of Defendants bearing reproductions, counterfeits, copies, or colorable imitations of Plaintiffs' registered marks be delivered up to Plaintiffs and destroyed pursuant to 15 U.S.C. § 1118.

COUNT III

FEDERAL TRADEMARK DILUTION
(15 U.S.C. 1125(c))

54. Plaintiffs repeat and reallege Paragraphs 1 through 53 as if fully set forth herein.

55. Plaintiffs' CHAMPION Marks are "famous" pursuant to Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c)(1), and have been famous marks prior to Defendants' conduct as alleged herein.

56. The CHAMPION Marks have acquired secondary meaning in the minds of the consuming public and trade who recognizes the CHAMPION Marks as identifying the quality and value of Plaintiffs' products, identifying CHAMPION branded products as coming from a single source and distinguishing Plaintiffs' products from products manufactured, marketed, or distributed by other sources. As such, the CHAMPION Marks have developed a valuable reputation in the minds of the consuming public and trade.

57. Defendants' manufacture, import, export, advertisement, distribution, shipment, offer for sale, sale, and facilitation of sales in commerce of the Counterfeit Products has diluted and continues to dilute the distinctive quality of the CHAMPION Marks, and was done with the willful intent to trade on Plaintiffs' reputation and goodwill.

58. Upon information and belief, Defendants' unauthorized use of the CHAMPION Marks on or in connection with the Counterfeit Products was done with full notice and

knowledge that such manufacture, import, export, advertisement, distribution, shipment, offer for sale, sale, and facilitation of sales were not authorized or licensed by Plaintiffs.

59. Defendants' conduct constitutes a knowing and willful violation of Plaintiffs' rights under Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

60. Defendants' conduct is causing immediate and irreparable injury to Plaintiffs, their goodwill and reputation, and will continue to damage Plaintiffs and deceive the public unless temporarily, preliminarily, and permanently enjoined by this Court pursuant to 15 U.S.C. § 1116.

61. In addition to injunctive relief, Plaintiffs are entitled to recover actual damages, Defendants' profits, costs, and reasonable attorneys' fees under 15 U.S.C. § 1117 in an amount to be determined at trial. Any such damages and awards should be trebled pursuant to 15 U.S.C. § 1117(b). Plaintiffs' reserve the right to seek statutory damages pursuant to 15 U.S.C. § 1117(c).

62. Plaintiffs are further entitled to an Order directing that all items in the possession, custody, or control of Defendants bearing reproductions, counterfeits, copies, or colorable imitations of Plaintiffs' registered marks be delivered up to Plaintiffs and destroyed pursuant to 15 U.S.C. § 1118.

COUNT IV

TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION PURSUANT TO N.Y. GEN. BUS. LAW § 360-o AND COMMON LAW

63. Plaintiffs repeat and reallege Paragraphs 1 through 62 as if fully set forth herein.

64. Defendants' manufacture, import, export, advertisement, distribution, shipment, offer for sale, sale, and facilitation of sales in commerce of the Counterfeit Products are, and unless enjoined, will continue to constitute trademark infringement and unfair competition in

violation of the common law of the State of New York, N.Y. Gen. Bus. Law § 360-o, and similar statutory and common laws of other states.

65. Upon information and belief, Defendants' unauthorized use of the CHAMPION and SUPER HOOD Marks on or in connection with the Counterfeit Products was done with full notice and knowledge that such manufacture, import, export, advertisement, distribution, shipment, offer for sale, sale, and facilitation of sales were not authorized or licensed by Plaintiffs.

66. Plaintiffs have no adequate remedy at law, and are suffering irreparable harm and damages as a result of Defendants' conduct in an amount to be determined at trial.

COUNT V

DILUTION AND INJURY TO BUSINESS REPUTATION PURSUANT TO N.Y. GEN. BUS. LAW § 360-l

67. Plaintiffs repeat and reallege Paragraphs 1 through 66 as if fully set forth herein.

68. Defendants' manufacture, import, export, advertisement, distribution, shipment, offer for sale, sale, and facilitation of sales in commerce of the Counterfeit Products have, and unless enjoined, will continue to injure or are likely to injure Plaintiffs' business reputation and dilute the distinctive quality of the CHAMPION Marks in violation of N.Y. Gen. Bus. Law § 360-l.

69. Upon information and belief, Defendants' unauthorized use of the CHAMPION and SUPER HOOD Marks on or in connection with the Counterfeit Products was done with full notice and knowledge that such manufacture, import, export, advertisement, distribution, shipment, offer for sale, sale, and facilitation of sales were not authorized or licensed by Plaintiffs.

70. Plaintiffs have no adequate remedy at law, and are suffering irreparable harm and damages as a result of Defendants' conduct in an amount to be determined at trial.

COUNT VI

**DECEPTIVE ACTS AND PRACTICES PURSUANT TO N.Y. GEN. BUS. LAW §§ 349
AND 350 AND COMMON LAW**

71. Plaintiffs repeat and reallege Paragraphs 1 through 70 as if fully set forth herein.

72. Defendants' manufacture, import, export, advertisement, distribution, shipment, offer for sale, sale, and facilitation of sales in commerce of the Counterfeit Products are, and unless enjoined, will continue to constitute deceptive acts and practices in violation of the common law of the State of New York, N.Y. Gen. Bus. Law §§ 349 and 350, and similar statutory or common laws of other states.

73. Upon information and belief, Defendants' unauthorized use of the CHAMPION and SUPER HOOD Marks on or in connection with the Counterfeit Products was done with full notice and knowledge that such manufacture, import, export, advertisement, distribution, shipment, offer for sale, sale, and facilitation of sales were not authorized or licensed by Plaintiffs.

74. Plaintiffs have no adequate remedy at law, and are suffering irreparable harm and damages as a result of Defendants' conduct in an amount to be determined at trial.

COUNT VII

COMMON LAW UNJUST ENRICHMENT

75. Plaintiffs repeat and reallege Paragraphs 1 through 74 as if fully set forth herein.

76. Defendants have been and will continue to be unjustly enriched as a result of their unauthorized use of the CHAMPION and SUPER HOOD Marks.

77. By the acts described above, Defendants have retained revenues which they were not equitably or legally entitled, and were thereby unjustly enriched at Plaintiffs' expense in violation of the common law of the State of New York.

78. As a result of the foregoing, Plaintiffs have suffered damages in an amount to be determined at trial.

WHEREFORE, Plaintiffs request the following relief:

1. For judgment that:
 - a. Defendants have engaged in trademark infringement in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114;
 - b. Defendants have used counterfeit marks in violation of Section 34 of the Lanham Act, 15 U.S.C. § 1116;
 - c. Defendants have engaged in unfair competition, false designation of origin, and trademark infringement in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a);
 - d. Defendants have engaged in trademark infringement dilution in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c);
 - e. Defendants have engaged in trademark infringement and unfair competition in violation of the common law of the State of New York and N.Y. Gen. Bus. Law § 360-o;
 - f. Defendants have diluted and injured Plaintiffs' business reputation in violation of N.Y. Gen. Bus. Law § 360-l;

g. Defendants have engaged in deceptive acts and practices in violation of the common law of the State of New York and N.Y. Gen. Bus. Law §§ 349 and 350;

h. Defendants have been unjustly enriched; and

i. Defendants acts of infringement, counterfeiting, dilution, unfair competition was willful.

2. That a temporary restraining order (*ex parte*) and preliminary and permanent injunctions be issued enjoining Defendants, any of their respective officers, agents, privies, shareholders, principals, directors, licensees, attorneys, servants, employees, affiliates, subsidiaries, successors, and assigns, and all persons in concert or participations with any of them, and any entity owned or controlled by any of the Defendants, who receives actual notice of the order by personal service or otherwise, from:

a. using any of Plaintiffs' CHAMPION and SUPER HOOD Marks, including, but not limited those identified above, or any simulation, reproduction, copy, colorable imitation, or confusingly similar variation of any of Plaintiffs' trademarks or trade names in connection with any goods or services or in connection with the importation, promotion, advertisement, sale, offering for sale, manufacture, production, dissemination, or distribution of any goods;

b. processing, packaging, importing, or transporting any product that is not a genuine product of Plaintiff bearing any of Plaintiffs' trademarks or trade names or any mark that is a simulation, reproduction, copy, colorable imitation, or confusingly similar variation of any of Plaintiffs' trademarks or trade names;

c. using any false designation of origin or false description (including, without limitation, any letters or symbols), or performing any act which can, or is likely to, lead members of the consuming public or trade to believe that Defendants are associated with Plaintiffs or that any product imported, manufactured, distributed, or sold by the Defendants is in any manner associated or connected with Plaintiffs, or is authorized, licensed, sponsored, or otherwise approved by Plaintiffs;

d. assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs (a) through (c) above or taking any action that contributes to any of the activities referred to in subparagraphs (a) through (c) above, or any other activity that consists of or contributes to the sale of counterfeit or infringing products bearing any of Plaintiffs' trademarks or trade names, including but not limited to, the CHAMPION and SUPER HOOD Marks.

3. That an *ex parte* order be issued pursuant to 15 U.S.C. § 1116(d) for Federal or other law enforcement officers to seize the counterfeit products as described herein from the locations set forth in the memorandum and affidavits submitted herewith, as supplemented from time-to-time, along with a protective order pursuant to 15 U.S.C. § 1116(d)(7), and that the counterfeit products be taken into the custody of Plaintiffs, as agents of the Court, until such later order directing their destruction.

4. That the Defendants, at their own expense, recall any and all products that bear any simulation, reproduction, copy, colorable imitation, or confusingly similar variation of any of Plaintiffs' trademarks or trade names from any distributors, retailers, vendors, or others to

whom the Defendants have distributed or sold such products, and that such recall notices and other actions be taken within five (5) days after service of judgment with notice of entry thereof.

5. That Defendants deliver up to Plaintiffs' attorney for destruction, within five (5) days after service of judgment with notice of entry thereof, all goods, labels, tags, signs, stationery, prints, packages, promotional and marketing materials, advertisements and other materials (a) currently in their possession or under their control or (b) recalled by the Defendants pursuant to any order of the Court or otherwise, incorporating any simulation, reproduction, copy, colorable imitation, or confusingly similar variation of any of Plaintiffs' trademarks or trade names, and all plates, molds, matrices, and other means of making the same, and that Plaintiff be permitted to destroy all such goods without compensation to any of the Defendants.

6. That Defendants preserve all records (including electronically stored information) and other documents concerning all transactions relating to their acquisition, import, purchase, or sale of any goods bearing or including any simulation, reproduction, copy, colorable imitation, or confusingly similar variation of any of Plaintiffs' trademarks or trade names, and that all such materials be made available to Plaintiffs for review, inspection, and copying on Plaintiffs' request.

7. That Defendants provide Plaintiffs with the names, addresses, and all other contact information in their possession (e.g., telephone numbers, fax numbers) for the source of all products that bear or include any simulation, reproduction, copy, colorable imitation, or confusingly similar variation of any of Plaintiffs' trademarks or trade names, including all manufactures, distributors, or suppliers.

8. That Defendants provide Plaintiffs with the names, addresses, and all other contact information in their possession (e.g., telephone numbers, fax numbers) for the customers

who purchased all products that bear or include any simulation, reproduction, copy, colorable imitation, or confusingly similar variation of any of Plaintiffs' trademarks or trade names, including all manufactures, distributors, or suppliers.

9. That Defendants shall file with the Court and serve upon Plaintiffs' counsel within thirty (30) days after service of judgment with notice of entry thereof upon them a report in writing under oath, setting forth in detail the manner and form in which they have complied with the all of the above.

10. That each Defendant account for and pay over to Plaintiffs three times the profits realized by each Defendant from its infringement and dilution of Plaintiffs' trademarks and trade names and from its unfair competition with Plaintiffs.

11. That Plaintiffs be awarded their actual damages, trebled pursuant to 15 U.S.C. §§ 1117(a) & (b) and N.Y. Gen. Bus. Law § 349-h, or, if Plaintiffs elect, statutory damages as the Court considers just, up \$1,000,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, pursuant to 15 U.S.C. § 1117(c), arising out of Defendants' acts of willful trademark infringement and counterfeiting.

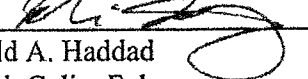
12. That Plaintiffs be awarded interest, including pre-judgment interest, on the foregoing sums in accordance with 28 U.S.C. § 1961.

13. That Plaintiffs be awarded their costs in this civil action, including reasonable attorneys' fees and expenses, pursuant to 15 U.S.C. § 1117(a), N.Y. Gen. Bus. Law § 349-h, and other applicable laws.

14. That Plaintiffs be awarded such other and further relief as the Court may deem just and proper.

Dated: New York, New York
January 22, 2008

MORGAN & FINNEGAN LLP

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One West Fourth Street
Winston Salem, North Carolina 27101
Telephone: (336) 721-3600

*Attorneys for Plaintiffs Hanesbrands Inc. and HBI
Branded Apparel Enterprises, Ltd.*

EXHIBIT A

TO

COMPLAINT

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office
10 Year Renewal

Reg. No. 274,178
Registered Aug. 19, 1930
Renewal Approved July 10, 1990

**TRADEMARK
PRINCIPAL REGISTER**

CHAMPION

KAYSER-ROTH CORPORATION (DELA-
WARE CORPORATION)
2303 WEST MEADOWVIEW ROAD
GREENSBORO, NC 27407, ASSIGNEE BY
MESNE ASSIGNMENT, MERGER
WITH AND CHANGE OF NAME
CHAMPION KNITTING MILLS (TEN-
NESSEE CORPORATION) CHATTA-
NOOGA, TN

FOR: HOSIERY, IN CLASS 39 (INT.
CL. 25).

FIRST USE 6-0-1918, IN COMMERCE
6-0-1918.

SER. NO. 71-296,174, FILED 2-18-1930.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Aug. 21, 1990.*

COMMISSIONER OF PATENTS AND TRADEMARKS

EXHIBIT

A-1

Registered Aug. 19, 1930

Trade-Mark 274,178

Renewed, August 19, 1950 to Holeproof Hosiery Co., of Milwaukee, Wisconsin.

UNITED STATES PATENT OFFICE

CHAMPION KNITTING MILLS, OF CHATTANOOGA, TENNESSEE

ACT OF FEBRUARY 20, 1906

Application filed February 18, 1930. Serial No. 296,174.

CHAMPION

STATEMENT

To all whom it may concern:

Be it known that the Champion Knitting Mills, a corporation duly organized under the laws of the State of Tennessee, located and doing business in the city of Chattanooga, county of Hamilton, State of Tennessee, at No. 400 East Main Street, in said city, has heretofore adopted and used the trade-mark shown in the accompanying drawing, for HOSIERY, in Class 39, Clothing.

The trade-mark has been continuously used in its business since June, 1918.

The trade-mark is applied or affixed to the goods and the containers by attaching thereto a printed label on which the trade mark is shown.

Your petitioner hereby appoints Edward H. Merritt, Registered No. 3691, Fort Wayne, Indiana, U. S. A., as its attorney to represent it in the Patent Office of the United States, in causing the registration of said trade-mark, with power of substitution, and revocation, to make amendment therein and sign the name of the applicant thereto, to sign the drawing or facsimile, to receive the certificate of registration and do all things necessary to be done in connection with securing the registration of its trade-mark in the United States Patent Office, as fully as it could have done if personally present.

CHAMPION KNITTING MILLS,
By CLYDE WILKINS,
President.

EXHIBIT

A-2

EXHIBIT B
TO
COMPLAINT

Int. Cl.: 22, 24, 25 and 26

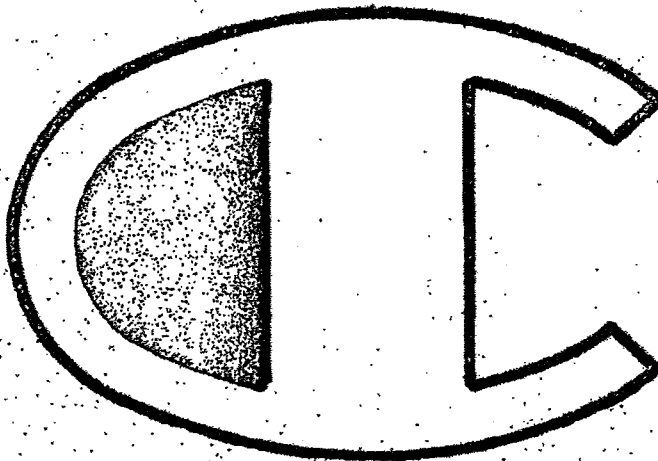
U.S. Cl.: 2, 39, 40 and 50

Reg. No. 1,127,251

U.S. Patent and Trademark Office

Reg. Dec. 4, 1979

TRADEMARK
Principal Register



Champion Products Inc. (New York corporation)
115 College Ave.
Rochester, N.Y. 14607

For: Laundry Bags, Also Suitable for Use as Sundry Bags
—in Class 22. (U.S. Cl. 2).

First use Mar. 1966; in commerce Mar. 1966.

For: Pennants and Banners —in Class 24. (U.S. Cl. 50).

First use Mar. 1966; in commerce Mar. 1966.

For: Men's and Boys' Football Uniforms, Athletic Shorts, Men's Neckties, Men's Scarves, Football Jerseys, Jackets, Sweat Pants, Sweat Shirts, Warm Up Shirts, Warm Up Pants, Sweat Suits, T-Shirts, One-Piece and Two-Piece Physical Education Uniforms, Pullovers, Tank Tops, Polo Shirts, Hats, Caps, Baby Bibs, Baseball Shirts —in Class 25. (U.S. Cl. 39).

First use Mar. 1966; in commerce Mar. 1966.

For: Heat Transfer Appliques to be Applied to Clothing
—in Class 26. (U.S. Cl. 40).

First use Mar. 1966; in commerce Mar. 1966.

Ser. No. 49,119. Filed Apr. 11, 1973.

JOHN C. DEMOS, Supervisory Examiner

EXHIBIT

B

EXHIBIT C
TO
COMPLAINT

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,323,337

Registered Mar. 5, 1985

TRADEMARK
Principal Register

Champion

Champion Products Inc. (New York corporation)
3141 Monroe Ave.
Rochester, N.Y. 14618

For: ATHLETIC AND PHYSICAL EDUCATION UNIFORMS—NAMELY, T-SHIRTS, KNIT SPORT SHIRTS, ATHLETIC SHORTS, SWEAT SHIRTS, SWEAT PANTS, WARM-UP SUITS, JACKETS AND SWEATERS, in CLASS 25 (U.S. Cl. 39).

First use Jan. 1, 1968; in commerce Jan. 1, 1968.
Owner of U.S. Reg. No. 1,084,381.

Ser. No. 249,640, filed Feb. 11, 1980.

STEVEN L. CATALANO, Examining Attorney



EXHIBIT D
TO
COMPLAINT

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,915,092

Registered Aug. 29, 1995

**TRADEMARK
PRINCIPAL REGISTER**

Champion

SARAMAR CORPORATION (DELAWARE CORPORATION)
CANNON BUILDING, SUITE 145
861 SILVER LAKE BOULEVARD
DOVER, DE 19901

FOR: CLOTHING, NAMELY HOODED AND UNHOODED JERSEYS, BATHROBES, SLEEPWEAR, COVERUPS, BRAS, PARKAS, AEROBIC WEAR, NAMELY TOPS AND BOTTOMS, SWIMWEAR, PANTS, SHORTS, ATHLETIC UNIFORMS, PHYSICAL EDUCATION UNIFORMS, T-SHIRTS, KNIT SPORT SHIRTS, ATHLETIC SHORTS, SWEATSHIRTS, SWEATPANTS, WARM-UP SUITS, JACKETS, SWEAT-

ERS, SHIRTS, VESTS, WIND-RESISTANT CLOTHING, NAMELY TOPS AND BOTTOMS, REPLICA ATHLETIC JERSEYS, SINGLETS, TIGHTS, BELTS, HEADBANDS, WRISTBANDS, UNDERWEAR, UNDERSHIRTS, IN CLASS 25 (U.S. CL. 39).

FIRST USE 12-31-1963; IN COMMERCE 12-31-1963.

OWNER OF U.S. REG. NOS. 1,819,014, 1,860,938 AND OTHERS.

SER. NO. 74-558,724, FILED 8-8-1994.

LESLEY LAMOTHE, EXAMINING ATTORNEY

EXHIBIT

D

EXHIBIT E
TO
COMPLAINT

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,319,994

Registered Feb. 22, 2000

**TRADEMARK
PRINCIPAL REGISTER**

CHAMPION

CHAMPION PRODUCTS, INC. (NEW YORK CORPORATION)
475 CORPORATE SQUARE DRIVE
WINSTON-SALEM, NC 27103, BY ASSIGNMENT SARAMAR CORPORATION (DELAWARE CORPORATION) DOVER, DE 19901

FOR: PHYSICAL EDUCATION UNIFORMS, ATHLETIC UNIFORMS, SWEATSHIRTS, SWEATPANTS, SWEATERS, T-SHIRTS, SOCKS, SHORTS, PANTS, JERSEYS, BATHROBES, SLEEPWEAR, COVERUPS, BRAS, PARKAS, TOPS AND BOTTOMS FOR USE IN AEROBICS, SHIRTS, WARM-UP SUITS, JACKETS, VESTS,

WIND RESISTANT PANTS AND JACKETS, REPLICA ATHLETIC JERSEYS, SINGLETS, TIGHTS, BELTS, HEADBANDS, WRISTBANDS, UNDERWEAR, HATS, CAPS, TANK TOPS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 12-31-1952; IN COMMERCE 12-31-1952.

OWNER OF U.S. REG. NOS. 274,178, 1,860,938 AND OTHERS.

SER. NO. 75-197,749, FILED 11-12-1996.

ANDREW A. ROPPEL, EXAMINING ATTORNEY



EXHIBIT F
TO
COMPLAINT

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,140,617

Registered Sep. 5, 2006

**TRADEMARK
SUPPLEMENTAL REGISTER**

SUPER HOOD

SARA LEE GLOBAL FINANCE, L.L.C. (DELA-
WARE LTD LIAB CO)
1000 E. HANES MILL RD.
WINSTON-SALEM, NC 27105

FOR: SWEATSHIRTS, SWEATPANTS, JACKETS,
IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 8-2-2002; IN COMMERCE 8-2-2002.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-479,312, FILED P.R. 9-7-2004; AM. S.R.
5-18-2006.

CARRIE ACHEN, EXAMINING ATTORNEY



Exhibit B

Affidavit of Jacob Steven Wharton

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
HANESBRANDS INC. and HBI BRANDED
APPAREL ENTERPRISES, LLC,

Plaintiffs,

- against -

METRO SPORTS INC. (d/b/a PLAYERS SPORTS,
d/b/a HOT DOT, d/b/a HIP HOP SPORTSWEAR);
HOT DOT FASHION, INC.; HIP HOP
SPORTSWEAR INC.; MICHAEL FASHIONS INC.
(d/b/a MICHAEL FASHION); LONDON BOY
SPORTSWEAR, LTD. (d/b/a LONDON BOY);
TRANDZ N.Y., CORP. (d/b/a OCTANE); OCTANE
NYC INC. (d/b/a OCTANE); FLASH SPORTS, INC.;
104TH ST. FASHION INC. (d/b/a 104 STREET
FASHIONS, d/b/a 104 FASHIONS); F.T.C. FASHION;
various JOHN and JANE DOES, and XYZ
COMPANIES (UNIDENTIFIED),

Defendants.
----- X

Civil Action No. 08 CV 0545 (VM)

AFFIDAVIT OF RICHARD HELLER

COMES NOW, Richard Heller, and, being duly sworn, testifies as follows:

1. I am Senior Marketing Manager for Champion Athleticwear, a division of Hanesbrands Inc. I have more than 10 years experience marketing Champion® brand athletic wear. I have been in charge of marketing the Super Hood® sweatshirts since 1999. I have personal knowledge of the information contained in this declaration unless otherwise indicated. I am over eighteen years of age and competent to provide this testimony.

2. I respectfully submit this affidavit in support of Plaintiffs' Motion for a Temporary Restraining Order (*Ex Parte*), Seizure Order (*Ex Parte*), Expedited Discovery Order (*Ex Parte*), Preservation Order (*Ex Parte*), Order to Show Cause Why A Preliminary Injunction Should Not Issue, and Secrecy Order (*Ex Parte*).

3. Hanesbrands is a global consumer goods company with more than a century of history and a portfolio of leading apparel essentials, including T-shirts, bras, panties, men's underwear, kids' underwear, socks, hosiery, casualwear, and activewear -- including sweatshirts. Some of its brands include Hanes®, Champion®, Playtex®, Bali®, L'eggs®, Just My Size®, Barely There®, and Wonderbra®.

4. Based on a recent survey, Hanesbrands can be found in eight out of 10 American households, and they are sold in hundreds of stores, plus via the Web and catalogs. *See* Exhibit A (excerpt from Hanesbrands Web site).

5. The Champion® brand enjoys a rich heritage dating back to 1919 and prides itself as an originator and innovator of men's and women's sports apparel. *See* Exhibit B (excerpt from Hanesbrands Web site).

6. The Champion® brand has a reputation both in the United States and around the world for high-quality products sold under the CHAMPION trademark and "C" logo (collectively the "CHAMPION Marks").

7. Under its Champion® brand, Hanesbrands manufactures and sells sweatshirts under both the CHAMPION Marks and the SUPER HOOD mark (collectively the "CHAMPION and SUPER HOOD Marks"). Examples of the trademarks may be found attached hereto as Exhibit C.

8. The CHAMPION Marks have been used in connection with sweatshirts at least as early as the mid-1960's.

9. Plaintiffs have used the SUPER HOOD mark in connection with sweatshirts since as early as 2002.

10. The CHAMPION and SUPER HOOD Marks are owned by HBI and licensed to Hanesbrands.

11. Hanesbrands recently discovered that counterfeit Super Hood® sweatshirts are being sold in New York City. Once the counterfeiting was discovered, Hanesbrands investigated the matter through Manuel Martinez, Allen Ortiz, and Ruandy Melo (collectively the "Investigators").

12. The Investigators were asked to purchase counterfeit products, deliver the products to Mr. Martinez, and provide all information about the transaction, including any receipts obtained.

13. As a result of the investigation, I received 10 sweatshirts on or about Monday, December 10, 2007 from Jacob Wharton at Womble Carlyle Sandridge & Rice, PLLC, Plaintiffs' counsel.

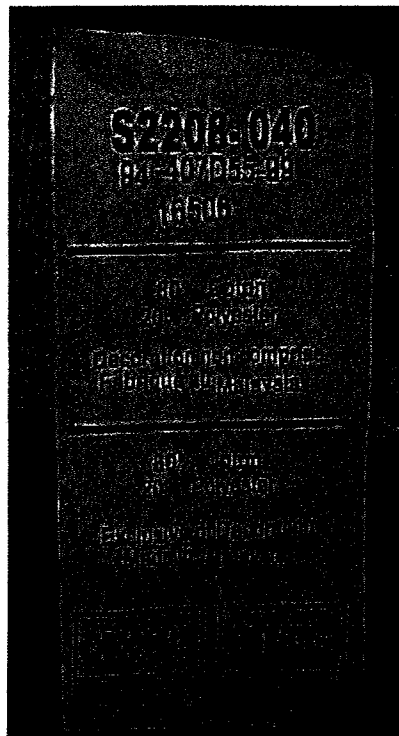
14. I reviewed each of the 10 sweatshirts. Each bears exacting replicas of the CHAMPION and SUPER HOOD Marks. However, after a thorough investigation of each sweatshirt, I conclude that all 10 are counterfeits that were not manufactured or sold under the authority of Hanesbrands or Champion Athleticwear.

15. The counterfeit sweatshirts differ from authentic goods in only small details, making it difficult to the untrained eye to distinguish counterfeit and authentic goods. Indeed, the hang tags found on the counterfeit sweatshirts are identical to the genuine hang tags.

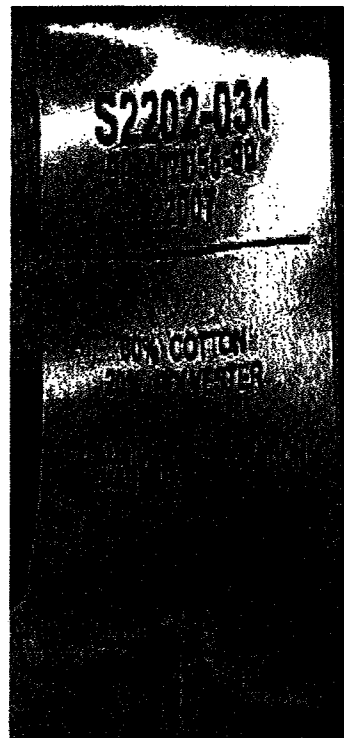
However, there are several distinct differences that indicate to me that these are counterfeit sweatshirts.

16. There are several differences that appear in each of the sweatshirts. They are:

- “Made in Malaysia” – this appears on the neck tag of counterfeit sweatshirts but authentic Super Hood® sweatshirts are not made in Malaysia, they are manufactured in Cambodia;

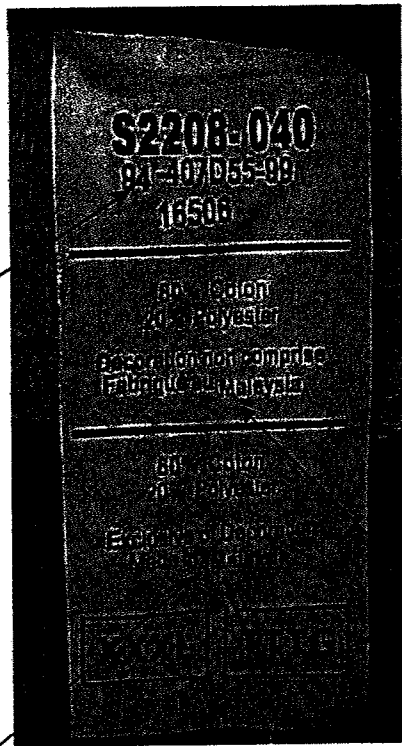


COUNTERFEIT

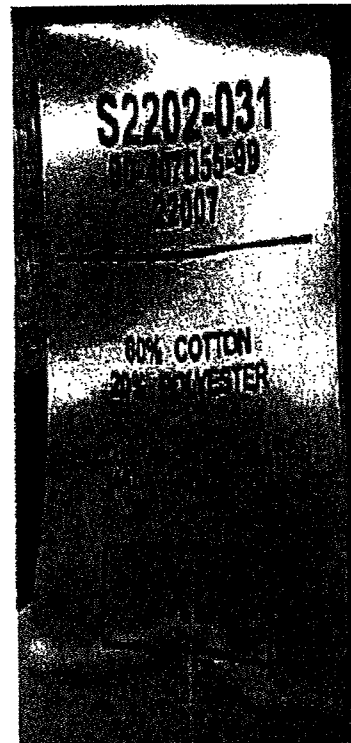


AUTHENTIC

- Formatting of neck tag – on counterfeits, the formatting of the printing on the tag, including size, attribute, and plant code is poorly printed with letters and numbers inconsistent in spacing or printed unevenly;

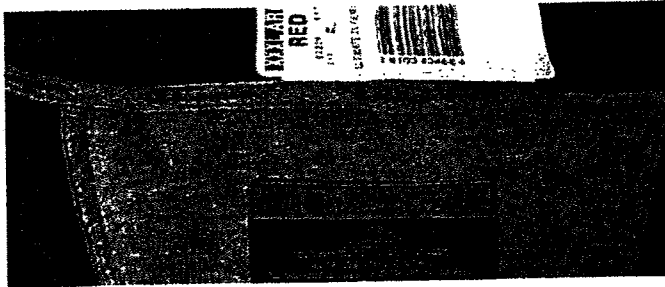


COUNTERFEIT

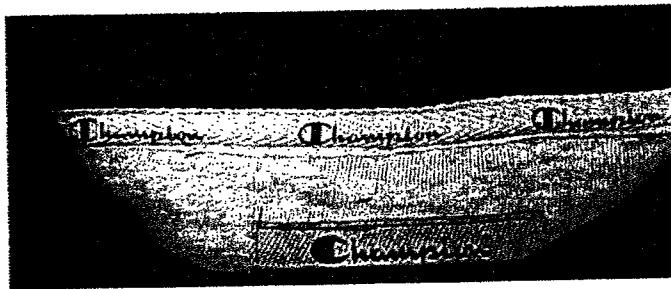


AUTHENTIC

- Neck tape printing – on counterfeits, the CHAMPION script printed on the neck tape is lighter than on authentic goods;



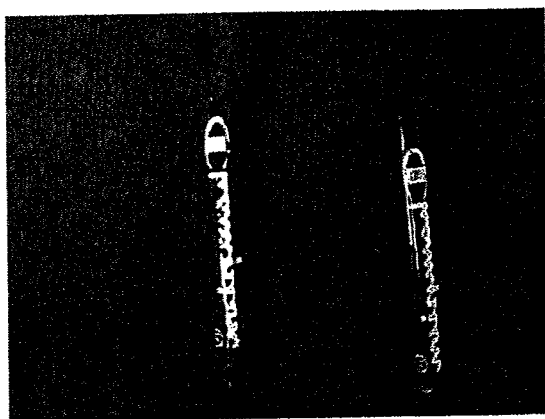
COUNTERFEIT



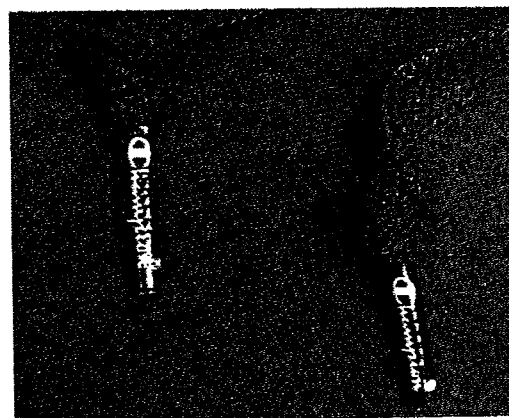
AUTHENTIC

- Hood construction – although the counterfeits have two-ply hoods, the hood seam on the counterfeits is closed on the outer edge, versus on the interior of the hood on the authentic products. *Compare Exhibit D (counterfeit) and Exhibit E (authentic).*

- Draw cord tipping – the plastic tipping on the ends of hood draw cords are inverted on the counterfeits sweatshirts;



COUNTERFEIT



AUTHENTIC

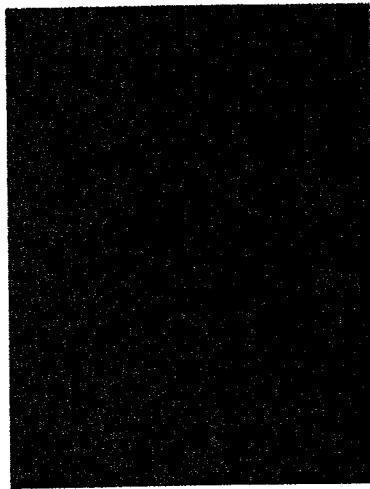
- Color shade – the navy, brown, and green counterfeits are a much lighter shade than genuine sweatshirts. *Compare* Exhibit D (counterfeit) and Exhibit E (authentic).
- Color description – genuine color descriptions are DARK BROWN, not BROWN; SEAWEED or CAMO (depending on the shade of green), not GREEN; SCARLET, not RED; and URBAN GOLD, not WHEAT. The color description NAVY appears on the counterfeits as well as genuine sweatshirts;



COUNTERFEITS

- Muff pocket stitching – the “muff” or “kangaroo” pockets on the front of counterfeit sweatshirts are sewn to the sweatshirt body directly on the edge of the pocket fabric

whereas on authentic goods the stitching is set in approximately $\frac{1}{8}$ " from the edge of the muff pocket fabric.



COUNTERFEIT



AUTHENTIC

17. As I reviewed each sweatshirt, I noted the differences which appear for each sweatshirt in the table below along with the name appearing on the store at the place of purchase and the address, as reported by the Investigators. For ease of reference, I use the names of the difference described above to identify differences. Photographs of each counterfeit sweatshirt are attached hereto as Exhibits F-O.

<i>No.</i>	<i>Store Information</i>	<i>Difference Noted</i>	<i>Ex.</i>
1	Hot Dot 3542 Broadway New York, New York 10031	"Made in Malaysia" Formatting of neck tag Neck tape printing Hood construction Draw cord tipping Color shade (navy too light) Muff pocket stitching	F
2	F.T.C. Fashions 3663 Broadway New York, New York 10031	"Made in Malaysia" Formatting of neck tag Neck tape printing Hood construction Draw cord tipping Color shade (brown too light) Color description (should be DARK BROWN) Muff pocket stitching	G

3	Metro Sports 565 West 145th Street New York, New York 10031	"Made in Malaysia" Formatting of neck tag Neck tape printing (and is upside down on this particular garment) Hood construction Draw cord tipping Color shade (navy too light) Muff pocket stitching	H
4	Metro Sports 2946 Third Avenue New York, New York 10455	"Made in Malaysia" Formatting of neck tag Neck tape printing Hood construction Draw cord tipping Color shade (gold color too light) Color description (should be URBAN GOLD) Muff pocket stitching	I
5	Michael Fashion 2936 Third Avenue New York, New York 10455	"Made in Malaysia" Formatting of neck tag Neck tape printing Hood construction Draw cord tipping Color shade (navy too light) Muff pocket stitching	J
6	London Boy 2908 Third Avenue New York, New York 10455	"Made in Malaysia" Formatting of neck tag Neck tape printing Hood construction Draw cord tipping Color shade (green too light) Color description (should be SEAWEEED) Muff pocket stitching In addition, the printing on the UPC ticket is of poor quality with the "L" in "LARGE" spaced apart from the "ARGE."	K
7	Octane 560 Melrose Avenue New York, New York 10455	"Made in Malaysia" Formatting of neck tag Neck tape printing Hood construction Draw cord tipping Color shade (green too light) Color description (should be SEAWEEED) Muff pocket stitching	L

8	Flash Sportswear 16W 125th Street New York, New York 10027	"Made in Malaysia" Formatting of neck tag Neck tape printing Hood construction Draw cord tipping Color shade (navy too light) Muff pocket stitching	M
9	Metro Sports 118 West 125th Street New York, New York 10027	"Made in Malaysia" Formatting of neck tag Neck tape printing Hood construction Draw cord tipping Color shade (navy too light) Muff pocket stitching	N
10	104 Street Fashions 1887 Third Avenue New York, New York 10029	"Made in Malaysia" Formatting of neck tag Neck tape printing Hood construction Draw cord tipping Color shade (brown too light) Color description (should be DARK BROWN) Muff pocket stitching	O

18. I attach hereto the counterfeit sweatshirt described as No. 2 above as Exhibit D for the Court's review. For comparison purposes, I attach a genuine Super Hood® sweatshirt as Exhibit E.

19. The review of the 10 sweatshirts confirmed that they are of inferior quality. The construction of the hood and muff pocket is of inferior quality and the coloration of at least the navy, green, brown, and yellow counterfeit sweatshirts is of inferior quality to genuine Super Hood® sweatshirts.


20. A review of the receipts provided by the Investigators confirms that the counterfeit sweatshirts are selling for less than authentic goods. The counterfeit sweatshirts sell for from \$45.00 to \$55.00 while genuine sweatshirts sell for at least \$60.00.

21. The investigation also confirmed that Hanesbrands or Champion Athleticwear did not manufacture, inspect, package, or authorize Defendants or anyone else to manufacture, distribute, offer for sale, and sell the counterfeit sweatshirts.

22. Hanesbrands and Champion Athleticwear have invested considerable resources marketing, advertising, and promoting the Super Hood® sweatshirt. As such, Super Hood® sweatshirts have been a commercial success, becoming popular as both athletic and casual wear. Furthermore, Hanesbrands and Champion Athleticwear have invested a great deal of resources marketing, advertising, and promoting Champion® branded products to establish widespread consumer recognition of the brand and the products offered therewith.

23. Should the counterfeit goods continue to flood the market, Hanesbrands and Champion Athleticwear will be injured by the loss of control over its reputation in the marketplace as well as an unknown number of lost sales.

Further affiant sayeth not.

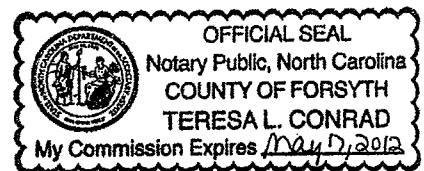

Richard Heller

SWORN to and subscribed before me

this 14th day of January, 2008.


Notary Public Teresa L. Conrad

My Commission Expires: May 7, 2012
(see attached page)



STATE OF NORTH CAROLINA

COUNTY OF FORSYTH

I, Teresa L. Conrad, a Notary Public for said County and State, do hereby certify that Richard Heller, as Affiant on behalf of Hanesbrands Inc. and HBI Branded Apparel Enterprises, LLC, personally appeared before me and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 14th day of January, 2008.

[Official Seal]

Teresa L. Conrad
Notary Public Teresa L. Conrad

My commission expires May 7, 2012.

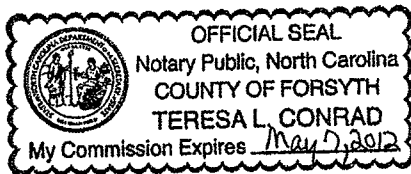


EXHIBIT A

TO

AFFIDAVIT OF RICHARD HELLER



HBI

- OUR COMPANY
- OUR BRANDS
- OUR VALUES
- INVESTORS
- NEWSROOM
- WORKING AT HBI
- SHOP
- CONTACT US

- About Hanesbrands
- History/Timeline
- Our Values
- Board of Directors
- Corporate Officers
- Retail Partners
- Supplier Partners
- FAQs
- Contact Us

Our company

HANESbrandsINC

Based in Winston-Salem, N.C., Hanesbrands Inc. (NYSE:HBI) is a global consumer goods company with more than a century of history and a portfolio of leading apparel essentials including T-shirts, bras, panties, men's underwear, kids' underwear, socks, hosiery, casualwear and activewear. Some of our brands include:

- Hanes®
- Champion®
- Playtex®
- Bali®
- L'eggs®
- Just My Size®
- Barely There®
- Wonderbra®

SYMBOL: HBI
(20 min delay)
Open: 28.54
High: 29.84
Last: 29.44
Change: +0.71
Volume: 325,643

search

HISTORY/TIMELINE



Our rich history dates back to 1871. [:: more >](#)

Hanesbrands, which was spun off from Sara Lee Corporation in 2006, has approximately 50,000 employees.

Financial Information

Hanesbrands generated \$4.7 billion in net sales in fiscal 2006 and more than \$350 million in income from operations. Hanesbrands Inc. stock is listed under the symbol HBI on the New York Stock Exchange. The company's daily trading activity, stock price and dividend information are in the financial sections of most major newspapers. Quarterly earnings reports and related news can be found in the [Investors](#) section.

[Our Brands](#)



In a recent survey, Hanesbrands can be found in eight out of 10 American households, and they are sold in hundreds of stores, plus Web and catalog. What's more, our brands hold either the number-one or number-two U.S. market position by sales in most product categories in which we compete:

- First in T-shirts, fleece, socks, men's underwear, sheer hosiery and kids' underwear
- Second in bras and panties

For more information on specific brands, please visit **Our Brands**.

[Home](#) [Contact Us](#) [Terms of Use](#) [Privacy Policy](#) [Site Map](#) © 2006 Hanesbrands Inc.

EXHIBIT B

TO

AFFIDAVIT OF RICHARD HELLER

HBI



The Champion® 62500™ Sports Performance™ cool-downs. [...more](#)

- OUR COMPANY
- OUR BRANDS
- OUR VALUES
- INVESTORS
- NEWSROOM
- WORKING AT HBI
- SHOP
- CONTACT US

Hanes

Champion

Playtex

Bali

L'eggs

Just My Size

Hanes Hosiery

Barely There

Wonderbra

Outer Banks

Duofold

Additional Brands



HISTORY/TIMELINE



Our rich history dates back to 1901. [...more](#)

HANESbrandsINC

Our brands



High-quality stylish athletic apparel

[Go to Website](#)
[Shop](#)

SYMBOL: HBI
(20 min delay)
Open: 26.54
High: 29.84
Last: 29.44
Change +0.71
Volume 325,643

search

Champion athletic apparel is for the everyday athlete who is serious about sports and the personal challenge of athletics. While Champion had its beginnings in 1919, the brand took off when the Reverse Weave sweatshirt was introduced and became an instant classic. Today Champion is an international maker of high-quality, authentic athletic apparel and a front-runner in innovation focused on providing athletes with the finest apparel in the world.

Champion builds on its heritage as an originator and innovator of men's and women's sports apparel by answering the needs of athletic.

health-minded people with innovative, high-quality athleticwear and related products.

Champion Women's offers a complete line of athleticwear, from high-performance sports bras to classic cotton tees. Our Women's line also offers stylish, technical performance activewear and cover-ups that dry quickly to keep athletes cool and comfortable.

Champion Men's offers everything from high-performance moisture management and compression tees and shorts to high-cotton fleece and tees. Our classic jersey and mesh collections are focused on style and comfort.

Innovation is a reflection of *Champion's* integrity and the dedication to offer the best sports apparel possible, with practical, real advances. *Champion* is all about innovation and comfort—and we deliver season after season. For more information, visit www.championusa.com.

Champion and Reverse Weave are trademarks owned by Hanesbrands Inc. or its affiliates.



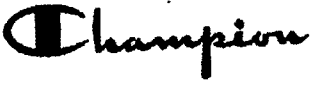
[Home](#) [Contact Us](#) [Terms of Use](#) [Privacy Policy](#) [Site Map](#) © 2006 Hanesbrands Inc.

EXHIBIT C

TO

AFFIDAVIT OF RICHARD HELLER

AFFIDAVIT OF RICHARD HELLER**EXHIBIT C**

MARK	REGISTRATION NO.	GOODS
CHAMPION	274,178 (registered Aug. 29, 1930)	Hosiery
	1,127,251 (registered Dec. 4, 1979)	Laundry bags, also suitable for use as sundry bags; pennants and banners; Men's and Boys' Football Uniforms, Athletic Shorts, Men's Neckties, Men's Scarves, Football Jerseys, Jackets, Sweat Pants, <u>Sweat Shirts</u> , Warm Up Shirts, Warm Up Pants, Sweat Suits, T-Shirts, One Piece and Two-Piece Physical Education Uniforms, Pullovers, Tank Tops, Polo Shirts, Hats, Caps, Baby Bibs, Baseball Shirts; and Heat Transfer Appliques to be applied to clothing
	1,323,337 (registered Mar. 5, 1985)	Athletic and Physical Education Uniforms – Namely T-Shirts, Knit Sport Shirts, Athletic Shorts, <u>Sweat Shirts</u> , Sweat Pants, Warm-Up Suits, Jackets and Sweaters
	1,915,092 (registered Aug. 29, 1995)	Clothing, namely hooded and unhooded jerseys, bathrobes, sleepwear, cover-ups, bras, parkas, aerobic wear, namely tops and bottoms, swimwear, pants, shorts, athletic uniforms, physical education uniforms, T-shirts, knit sports shirts, athletic shorts, <u>sweatshirts</u> , sweatpants, warm-up suits, jackets, sweaters, vests, wind-resistant

EXHIBIT**C**

		clothing, namely tops and bottoms, replica, athletic jerseys, singlets, tights, belts, headbands, wristbands, underwear, and undershirts
CHAMPION	2,319,994 (registered Feb. 22, 2000)	Physical education uniforms, athletic uniforms, <u>sweatshirts</u> , sweatpants, sweaters, T-shirts, socks, shorts, pants, jerseys, bathrobes, sleepwear, cover-ups, bras, parkas, tops and bottoms for use in aerobics, shirts, warm-up suits, jackets, vests, wind resistant pants and jackets, replica athletic jerseys, singlets, tights, belts, headbands, wristbands, underwear, hats, caps, and tank tops
SUPER HOOD	3,140,617 (registered Sep. 5, 2006 on the Supplemental Register)	<u>Sweatshirts</u> , sweatpants, jackets

**EX. D. TO HELLER AFFIDAVIT
FILED WITH THE CLERK'S OFFICE**

**EX. E. TO HELLER AFFIDAVIT
FILED WITH THE CLERK'S OFFICE**

EXHIBIT F

TO

AFFIDAVIT OF RICHARD HELLER

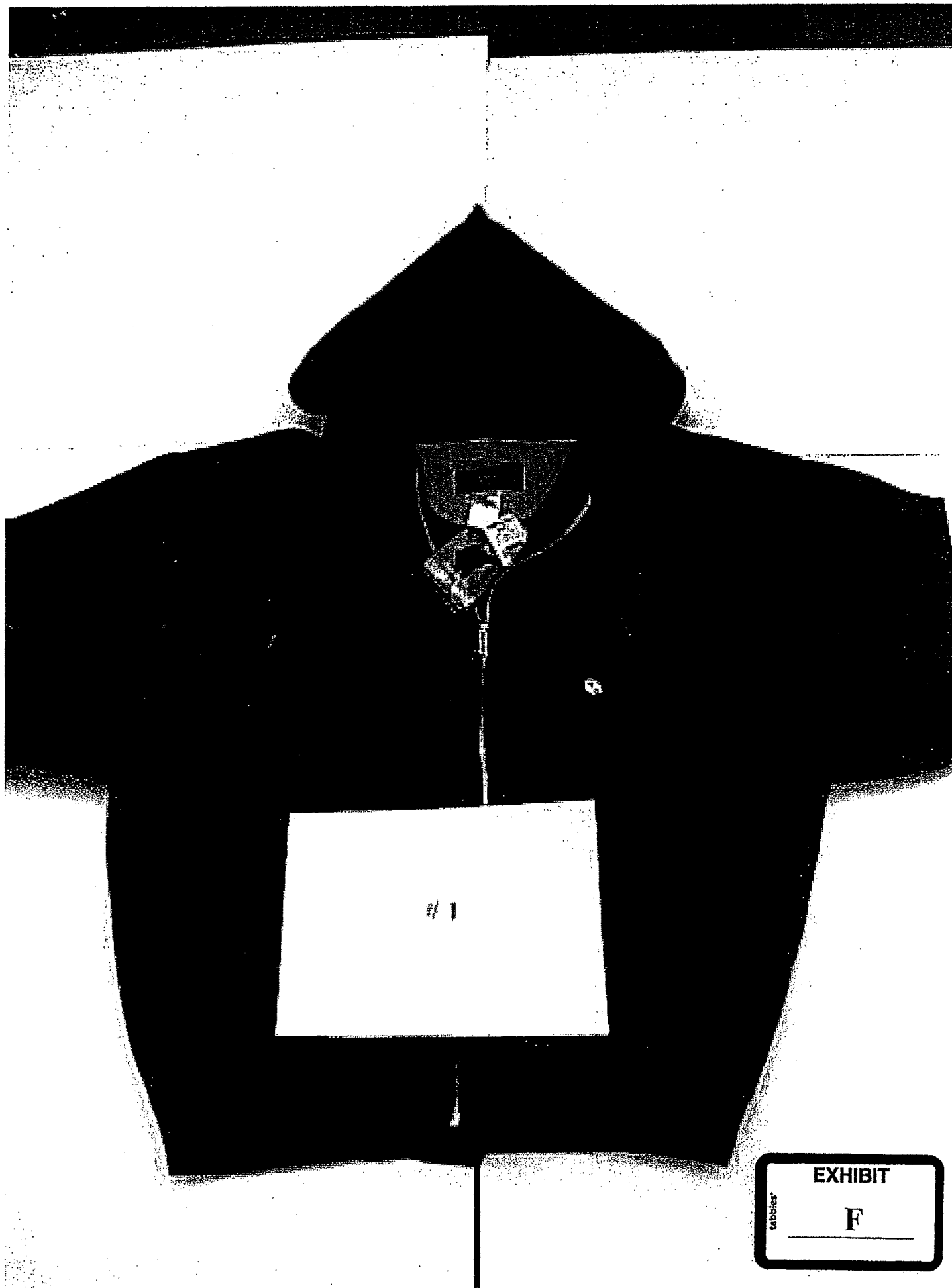


EXHIBIT G

TO

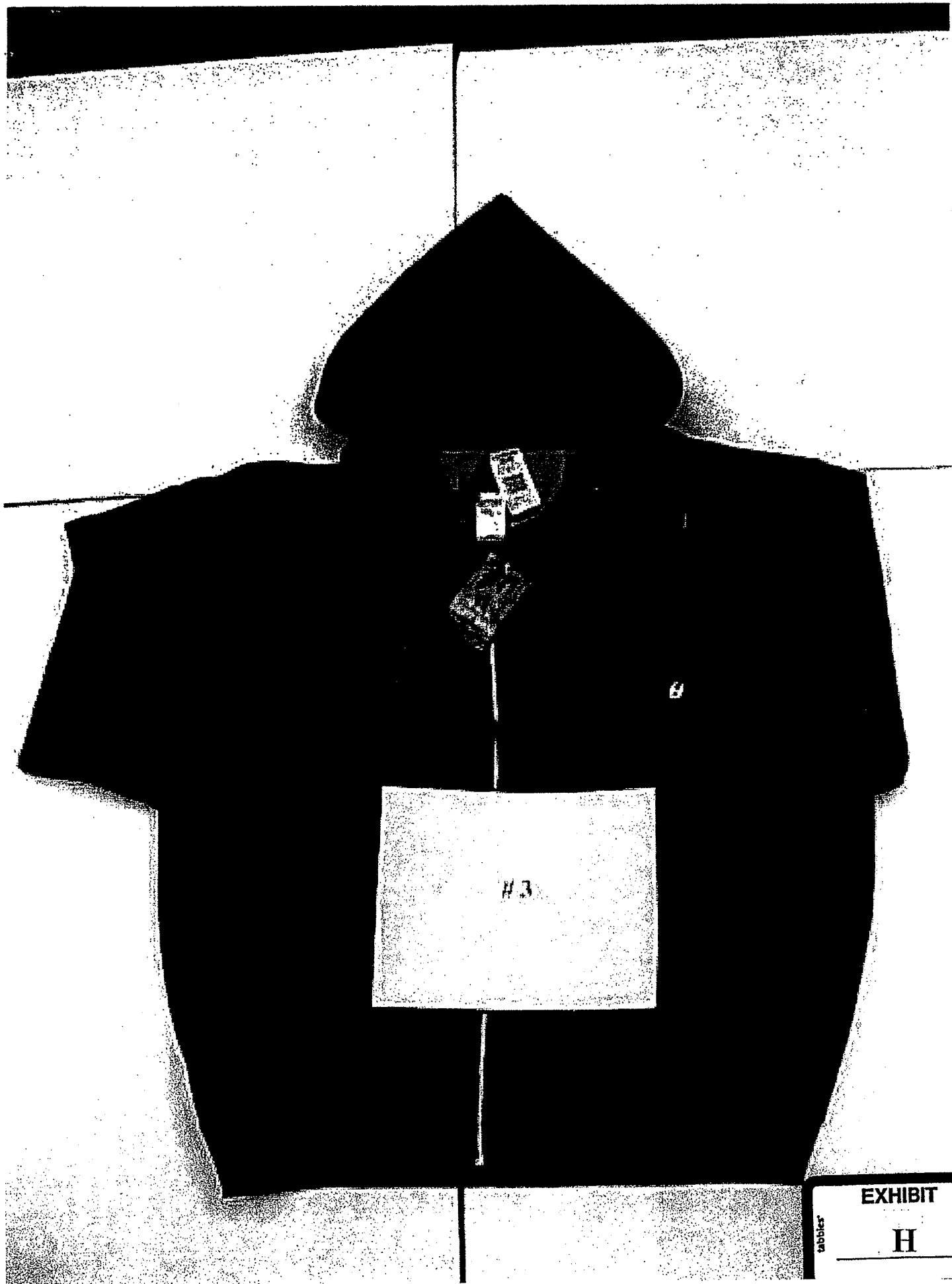
AFFIDAVIT OF RICHARD HELLER



EXHIBIT H

TO

AFFIDAVIT OF RICHARD HELLER



EXHIBIT

H

tabbies

EXHIBIT I

TO

AFFIDAVIT OF RICHARD HELLER

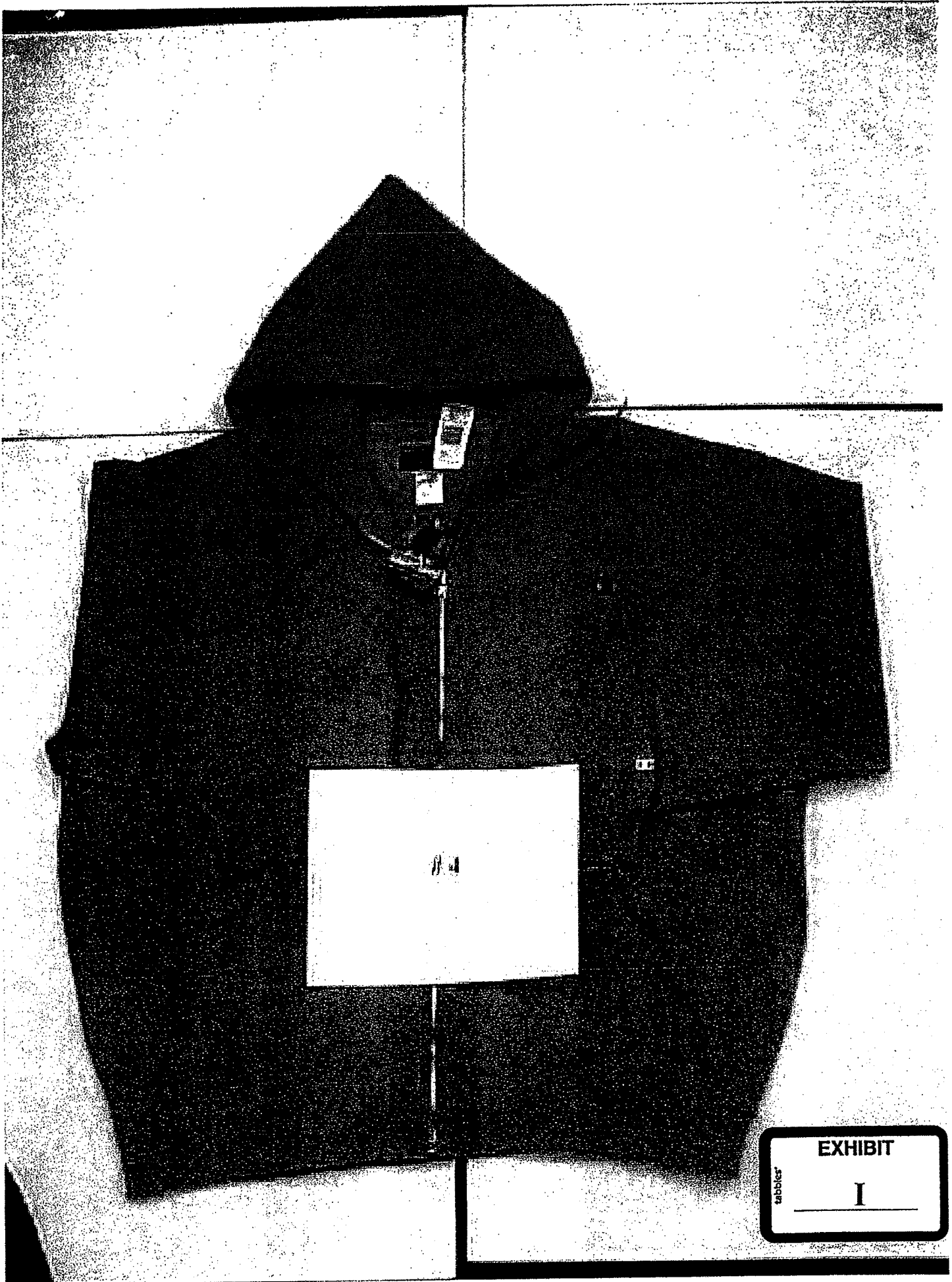
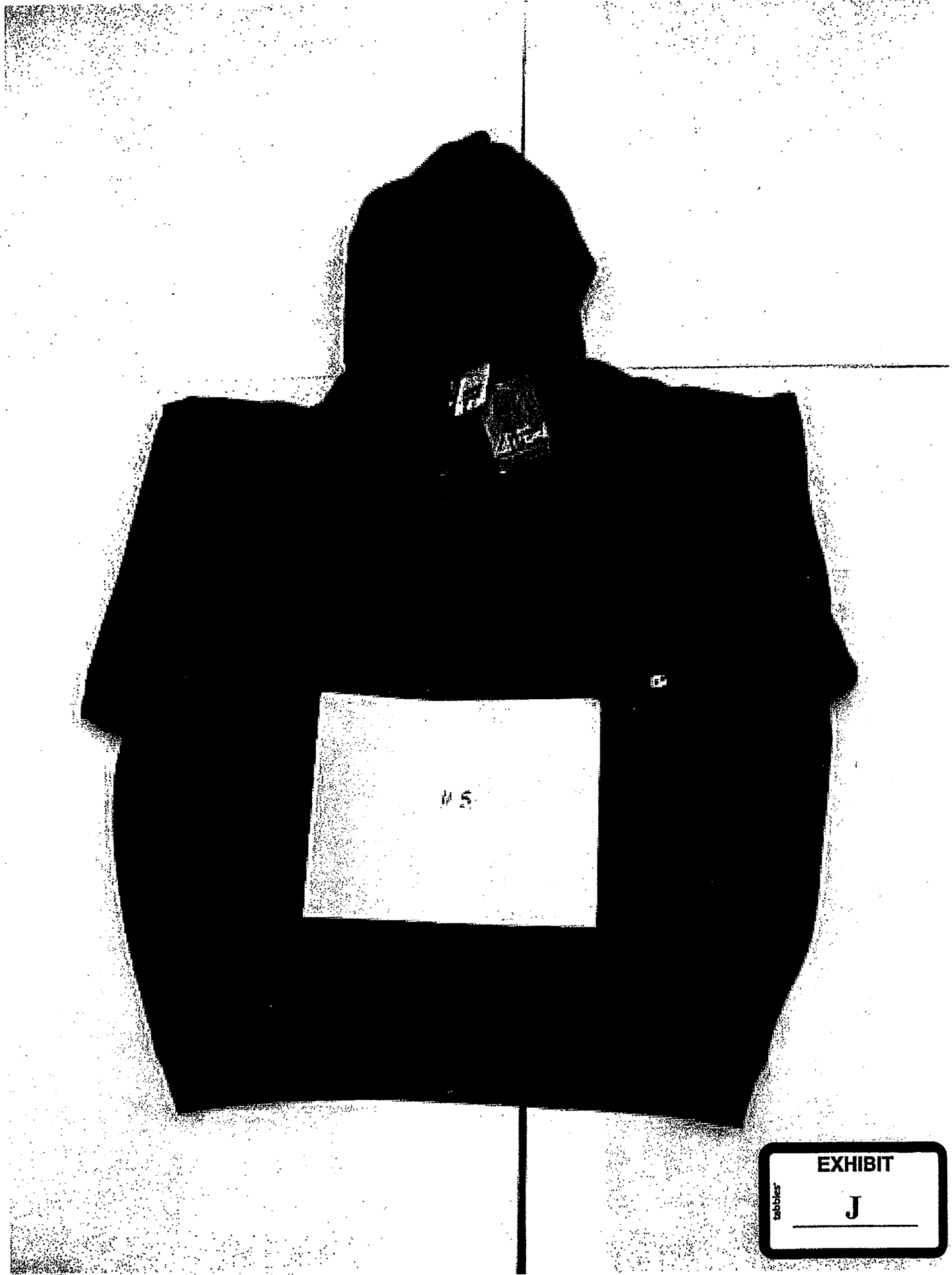


EXHIBIT J

TO

AFFIDAVIT OF RICHARD HELLER



EXHIBIT

J

EXHIBIT K

TO

AFFIDAVIT OF RICHARD HELLER

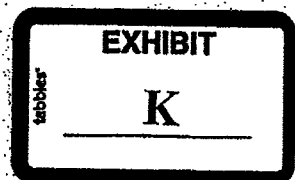
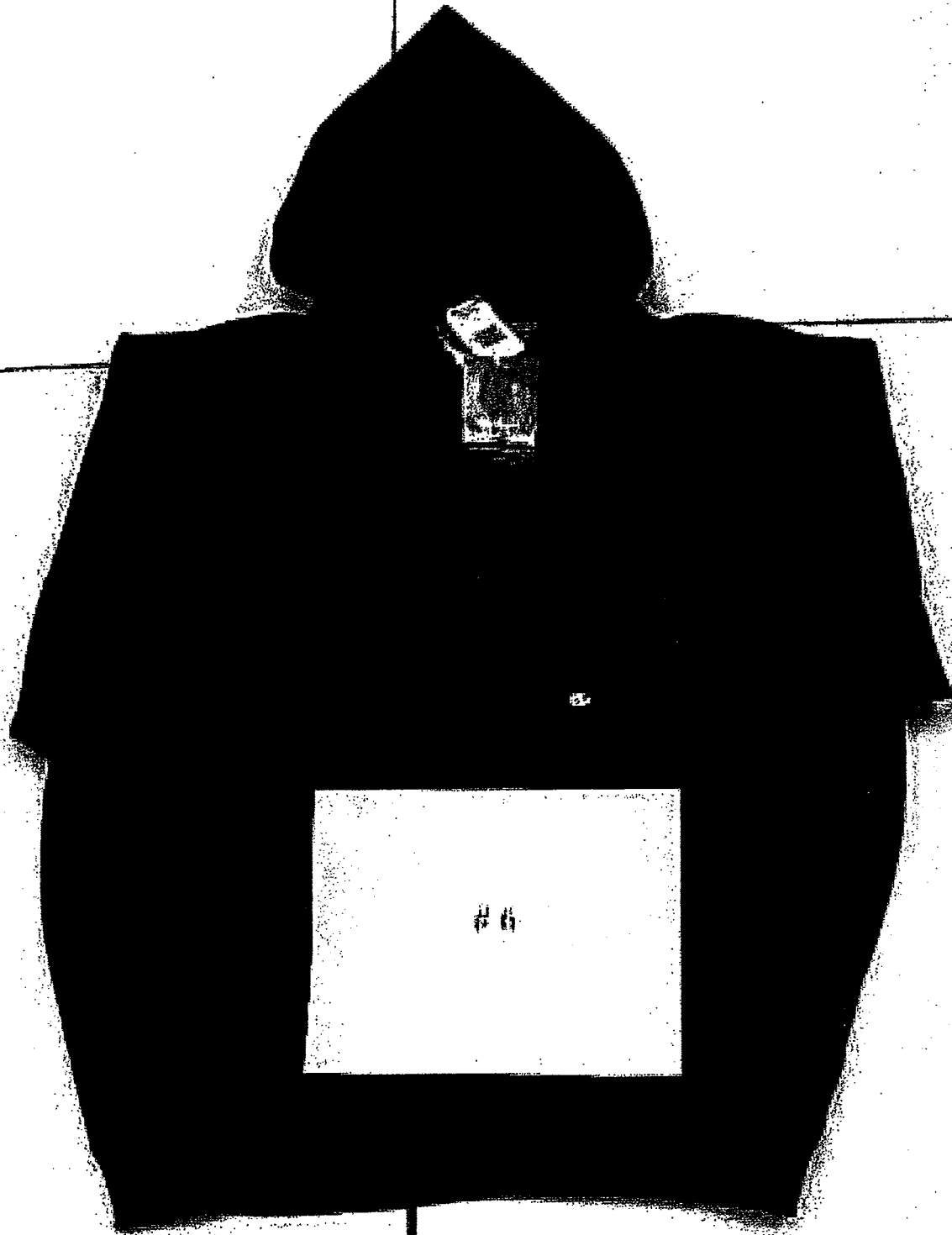


EXHIBIT L

TO

AFFIDAVIT OF RICHARD HELLER



EXHIBIT
L

EXHIBIT M

TO

AFFIDAVIT OF RICHARD HELLER



EXHIBIT N

TO

AFFIDAVIT OF RICHARD HELLER



EXHIBIT O

TO

AFFIDAVIT OF RICHARD HELLER

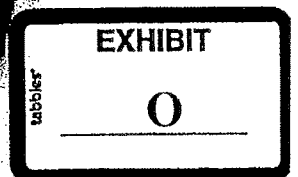


Exhibit C

Affidavit of Jacob Steven Wharton

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
:
HANESBRANDS INC. and HBI BRANDED
APPAREL ENTERPRISES, LLC,
:
:
:

Plaintiffs,
:
:
:

Civil Action No. 08 CV 0545 (VM)

- against -
:
:
:

METRO SPORTS INC. (d/b/a PLAYERS SPORTS,
d/b/a HOT DOT, d/b/a HIP HOP SPORTSWEAR);
HOT DOT FASHION, INC.; HIP HOP
SPORTSWEAR INC.; MICHAEL FASHIONS INC.
(d/b/a MICHAEL FASHION); LONDON BOY
SPORTSWEAR, LTD. (d/b/a LONDON BOY);
TRANDZ N.Y., CORP. (d/b/a OCTANE); OCTANE
NYC INC. (d/b/a OCTANE); FLASH SPORTS, INC.;
104TH ST. FASHION INC. (d/b/a 104 STREET
FASHIONS, d/b/a 104 FASHIONS); F.T.C. FASHION;
various JOHN and JANE DOES, and XYZ
COMPANIES (UNIDENTIFIED),
:
:
:

Defendants.
:
:
:
----- X

AFFIDAVIT OF MANUEL MARTINEZ

COMES NOW, Manuel Martinez, and being duly sworn, testifies as follows:

1. I am Vice President of Marketing for American Branding Agency Corporation. I have personal knowledge of the information contained in this affidavit unless otherwise indicated. I am over eighteen years of age and competent to provide this testimony.

2. I respectfully submit this affidavit in support of Plaintiffs' Motion for a Temporary Restraining Order (*Ex Parte*), Seizure Order (*Ex Parte*), Expedited Discovery Order (*Ex*

Parte), Preservation Order (*Ex Parte*), Order to Show Cause Why A Preliminary Injunction Should Not Issue, and Secrecy Order (*Ex Parte*).

3. From my own personal observations, as well as reports from Allen Ortiz and Ruandy Melo, I am aware that various retailers in the New York metropolitan area are selling sweatshirts that are counterfeit imitations of HBI's Super Hood® sweatshirts (hereinafter "SUPER HOOD sweatshirts") sold under HBI's Champion® Athleticwear brand. I base this on the fact that I have marketed SUPER HOOD sweatshirts for over three years and, based on my familiarity with authentic SUPER HOOD sweatshirts, was able to recognize differences between them as discussed in more detail.

4. I reported this information to Hanesbrands and have continued to assist with gathering information concerning the counterfeit sweatshirts.

5. On behalf of Hanesbrands I coordinated the purchase of counterfeit sweatshirts by myself, Allen Ortiz, and Ruandy Melo. Messrs. Ortiz and Melo purchased counterfeit sweatshirts from the stores listed in their respective affidavits.

6. After Mr. Ortiz and Mr. Melo purchased the sweatshirts, they were given to me along with information concerning the store and any receipts obtained. I purchased a counterfeit sweatshirt from Hot Dot (name on front of store), 3542 Broadway, New York, New York 10031. The receipts from this purchase as well as those made by Messrs. Ortiz and Melo are attached hereto as Exhibits A-I. A receipt was not given for the purchase from F.T.C. Fashion.

7. The receipt obtained from the store located at 3542 Broadway, Exhibit A hereto, lists "Players Sports" and "Metro Sports" as the store names although "Hot Dot" is the name on the outside of the store.

8. I obtained a business card from inside Hot Dot that list "Jay" as "President" of "Hot Dot Sportswear" and shows an address of 3542 Broadway, New York, New York 10031. The card is attached hereto as part of Exhibit A.

9. The "Metro Sports" store is located around the corner from "Hot Dot" on West 145th Street, Manhattan, New York 10031.

10. A card obtained from "Metro Sports" at 2946 Third Avenue, Bronx, New York, 10455 is from "Hip Hop Sportswear d/b/a Metro" with an address of 2946 Third Avenue, Bronx New York, 10455, a copy of which is attached hereto as part of Exhibit C.

11. A card obtained from what was "Metro Sports" at 118 West 125th Street, Manhattan, New York 10027 lists "Hip Hop Sportswear d/b/a Metro" with an address of 118 West 125th Street, New York, New York 10027, a copy of which is attached hereto as part of Exhibit H. However, I visited the store at 118 West 125th Street on January 10, 2008 and at that time saw no counterfeit products for sale.

12. After collecting the sweatshirts and receipts, I conveyed them to attorneys for Hanesbrands at Womble Carlyle Sandridge & Rice, PLLC in Winston-Salem, North Carolina and also reported the names and addresses of the stores where the counterfeit sweatshirts were purchased.

13. I reviewed the counterfeit sweatshirts that I and Mr. Ortiz and Mr. Melo purchased. They look very similar to authentic sweatshirts, including bearing the CHAMPION and SUPER HOOD trademarks on the sweatshirts or tags. The similarities make it difficult to distinguish between a counterfeit and authentic sweatshirt.

14. However, based on my experience marketing authentic Super Hood® sweatshirts, and through conversations with individuals at Hanesbrands, I understand the differences

between the counterfeit sweatshirts and the genuine SUPER HOOD sweatshirts to include, at the least:

- “Made in Malaysia” – this appears on the neck tag of counterfeit sweatshirts but authentic SUPER HOOD sweatshirts are not made in Malaysia;
- Neck tape printing – on counterfeits, the CHAMPION script printed on the neck tape is lighter than on authentic goods;
- Draw cord tipping – the plastic tipping on the ends of hood draw cords are inverted on the counterfeit sweatshirts;
- Color description – genuine color descriptions are DARK BROWN, not BROWN; SEAWEED or CAMO (depending on the shade of green), not GREEN; SCARLET, not RED; and URBAN GOLD, not WHEAT. The color description NAVY appears on the counterfeits as well as genuine sweatshirts.

15. A table of the stores from which counterfeit sweatshirts were obtained and the street address of each store is attached hereto as Exhibit J.

16. I visited the following stores on January 10, 2008 and confirmed that they were still selling counterfeit SUPER HOOD sweatshirts:

- London Boy
- Michael Fashion; and
- Octane

17. Based on either my personal visit or reports for Messrs. Ortiz and Melo, the signage on the stores selling counterfeits is as follows:

- (a) 3542 Broadway, Manhattan, New York 10031 (Hot Dot);
- (b) 3663 Broadway, Manhattan, New York 10031 (F.T.C. Fashion);
- (c) 565 West 145th Street, Manhattan, New York 10031 (No signage);
- (d) 2946 Third Avenue, Bronx, New York 10455 ("Sportswear");
- (e) 2936 Third Avenue, Bronx, New York 10455 (Michael Fashion);
- (f) 2908 Third Avenue, Bronx, New York 10455 (London Boy);
- (g) 560 Melrose Avenue, Bronx, New York 10455 (Octane);
- (h) 16 West 125th Street, Manhattan, New York 10027 (Flash Sports);
- (i) 1887 Third Avenue, Manhattan, New York 10029 (104 Street Fashions).

Further affiant sayeth not.


Manuel Martinez

SWORN to and subscribed before me

this 18 day of JANUARY, 2008.


Notary Public

My Commission Expires: **BARRY FEINBERG**
Notary Public, State of New York
No. 01FE4610108
Qualified in Queens County
Commission Expires 09/30/2009

EXHIBIT A

TO

AFFIDAVIT OF MANUEL MARTINEZ

PLAYERS SPORTS

METRO SPORTS
565 WEST 145 STREET
NEW YORK, NY 10031
(212) 694-8876

Date Printed: 12/02/2007
Store: 1 Date: 12/02/2007
Register: 1-3 Time: 3:59:52 PM
Receipt: RC00001000090828
Trans type: Sale
Cashier: H.K

STYLE	DESCRIPTION	
SZ SUBSZ CLR	QTY @ PRICE	SUBTTL
25	SALE	
ALL MIX	1 @ 50.00	50.00
Sales Assoc. H.K		

SubTotal	50.00
Total Tax	0.00
Total	50.00
Balance	0.00

Payment History

12/02/2007 -Cash	50.00
------------------	-------

NO REFUND - EXCHANGE ONLY

SEI
PRESIDENT

HOT DOG SPORTSWEAR

35-42 BROADWAY
NEW YORK NY 10018

212 261 1807
WWW.HOTDOGSWEAR.COM

EXHIBIT

A

tabbles

EXHIBIT B

TO

AFFIDAVIT OF MANUEL MARTINEZ

METRO SPORTS
585 WEST 145 STREET
NEW YORK, NY 10031
(212)684-8876

Store: Date Printed: 12/04/2007
Register: 1 Date: 12/04/2007
Receipt: 1-1 Time: 4:02:23 PM
Tran type: Sale RC00001000090911
Customer:
Cashier: .dee

RE-PRINT

STYLE	DESCRIPTION	RE-PRINT
SZ SUBSZ COLR	QTY @ PRICE	SUBTTL
25	SALE	RE-PRINT
ALL MIX	1 @ 40.00	40.00
Sales Assoc.#dee		
	SubTotal	40.00
	Total Tax	0.00
	Total	40.00
	Cash	40.00
	Balance	0.00

NO REFUND EXCHANGE ONLY
WITHIN 7 DAYS ONLY

EXHIBIT

B

tabbles

EXHIBIT C

TO

AFFIDAVIT OF MANUEL MARTINEZ

METRO SPORTS
2946 3RD AVENUE
BRONX, NY 10455
(718)402-4898

Date Printed: 12/04/2007
Store: 2 Date: 12/04/2007
Register: 2-1 Time: 5:37:50 PM
Receipt: RC00002000032926
Tran type: Sale
Cashier: tomy

STYLE	DESCRIPTION	
SZ SUBSZ COLR	QTY @ PRICE	SUBTTL
25	SALE	
ALL MIX	1 @ 45.00	45.00
	SubTotal	45.00
	Total Tax	0.00
	Total	45.00
	Cash	45.00
	Balance	0.00

NO REFUNDS. EXCHANGE ONLY
WITHIN 7 DAYS.

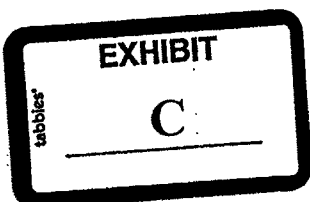
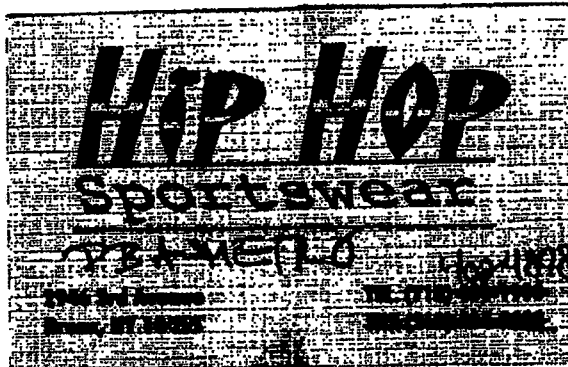


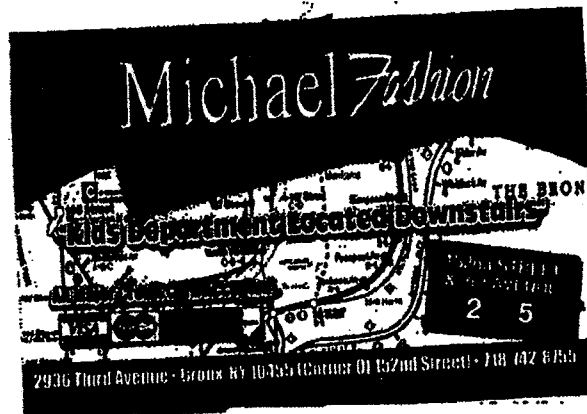
EXHIBIT D

TO

AFFIDAVIT OF MANUEL MARTINEZ

MICHAEL FASHION
NO CASH REFUND STORE
CREDIT ONLY EXCHANGE
ONLY WITH RECEIPT WITH-
IN 7 DAYS & MERCHANDISE
SHOULD BE IN GOOD CON-
DITION WITHOUT BOX THERE
WILL BE NO EXCHANGE, NO
EXCEPTION ALLOWED
THANK YOU FOR SHOPPING
AT MICHAEL FASHION

DEPT17	55.00
ITEM CT	1
CASH	55.00
12-04-2007	PM 05:51
	8216



EXHIBIT

D

EXHIBIT E
TO
AFFIDAVIT OF MANUEL MARTINEZ

CREDIT ONLY EXCHANGE
ONLY WITH RECEIPT WITH-
IN 7 DAYS & MERCHANDISE
SHOULD BE IN GOOD CON-
DITION WITHOUT BOX THERE
WILL BE NO EXCHANGE, NO
EXCEPTION ALLOWED
THANK YOU FOR SHOPPING
AT LONDON BOY
KIDS

DEPT02 50.00
ITEM CT 1
CASH 50.00
12-04-2007 PM 05:27
7152



EXHIBIT F

TO

AFFIDAVIT OF MANUEL MARTINEZ

OCTANE NYC CORP.

560 Melrose Ave. (718) 401-4793
Bronx, N.Y. 10455

Customer's Order No. _____ Date 12-8-06
Name _____
Address _____

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.
QTY.	DESCRIPTION			AMOUNT
			Hood x	\$50
			pol	
			No cash Refunds	
			Exchange only with Receipt within 7 Days	
			Layaways held for 30 Days - Exchange	
			Layaway within 7 Days	

All claims and returned goods MUST be accompanied by this bill.

Received by _____



Business Card: 560 Melrose Avenue, Bronx NY 10455
Tel: 718-292-1113; Fax: 718-401-4794
www.octanenyc.com
E-mail: octane560@aol.com

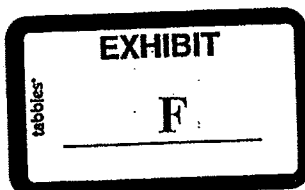


EXHIBIT G

TO

AFFIDAVIT OF MANUEL MARTINEZ

FLASH SPORTS
16W. 125TH STREET
NEW YORK, NY 10027

12/08/2007 2:10PM 01
000000#0368 Husam

NO SALE

NO CASH OR CREDITCARD
REFUND, EXCHANGE ONLY
WITHIN 7 DAYS

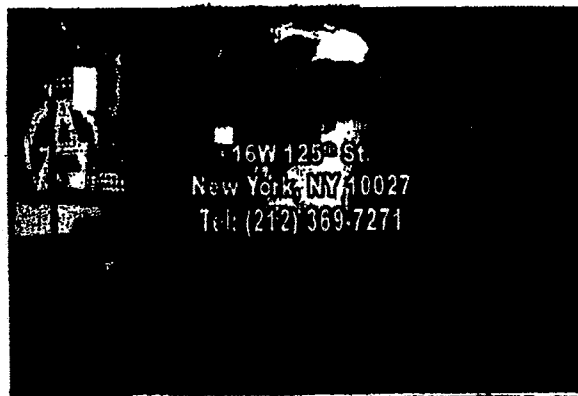
FLASH SPORTS
16W. 125TH STREET
NEW YORK, NY 10027

12/08/2007 3:00PM 01
000000#0369 Husam

DEPT. 05	1/2 \$50.00
NDSE ST	\$50.00
TAX1	\$0.00

ITEMS 1Q
CASH \$50.00

NO CASH OR CREDITCARD
REFUND, EXCHANGE ONLY
WITHIN 7 DAYS



Business Card: Flash Sportswear
16W 125th St., New York, NY 10027

Tel: (212)369-7271
"Your Favorite Name-Brand Store"

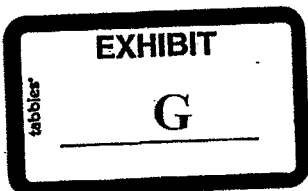


EXHIBIT H

TO

AFFIDAVIT OF MANUEL MARTINEZ

HIP HOP SPORTSWEAR
 118 west 125 st
 new york, NY 10027
 (212)749-2055

Date Printed: 12/06/2007
 Store: 6 Date: 12/06/2007
 Register: 6-1 Time: 7:07:07 PM
 Receipt: RC00006000046563
 Tran type: Sale
 Cashier: tommy

STYLE	DESCRIPTION	
SZ SUBSZ COLR	QTY @ PRICE	SUBTTL
25	SALE	
ALL MIX	1 @ 50.00	50.00
	SubTotal	50.00
	Total Tax	0.00
	Total	50.00
	Cash	50.00
	Balance	0.00

NO REFUNDS. EXCHANGE ONLY WITHIN 7
 DAYS.

HIP HOP
Sportswear

DBA METRO

118 W. 125 Street
 New York, NY 10027

Tel.: (212) 749-2055
 Fax: (212) 804-9082

EXHIBIT

H

tabbles

EXHIBIT I

TO

AFFIDAVIT OF MANUEL MARTINEZ

104 STREET FASHIONS
1887 THIRD AVENUE
NEW YORK NY 10029
212 423 5713
NO CASH REFUND
12-04-07 MC #10000
NO SALE
PM 7-06 5163

104 STREET FASHIONS
1887 THIRD AVENUE
NEW YORK NY 10029
212 423 5713
NO CASH REFUND
12-04-07 MC #10000
DEPT 1 \$59.00
TOTAL \$59.00
AMOUNT \$60.00
CHANGE \$10.00
PM 7-16 5164

104 STREET FASHIONS
1887 THIRD AVENUE
NEW YORK NY 10029
212 423 5713
NO CASH REFUND
12-08-07 MC #10000
NO SALE
PM 2-43 5238

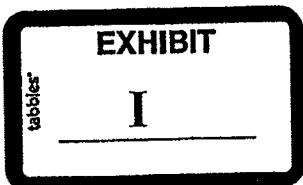


EXHIBIT J

TO

AFFIDAVIT OF MANUEL MARTINEZ

AFFIDAVIT OF MANUEL MARTINEZ**EXHIBIT J**

Stores from which counterfeit SUPER HOOD sweatshirts were purchased		
Store Name (as it appears on signage)	Address	Receipt
Hot Dot	3542 Broadway Manhattan, New York 10031	#1 – Ex. A
F.T.C. Fashion	3663 Broadway Manhattan, New York 10031	#2 – No receipt
No signage	565 West 145th Street Manhattan, New York 10031	#3 – Ex. B
“Sportswear”	2946 Third Avenue Bronx, New York 10455	#4 – Ex. C
Michael Fashion	2936 Third Avenue Bronx, New York 10455	#5 – Ex. D
London Boy	2908 Third Avenue Bronx, New York 10455	#6 – Ex. E
Octane	560 Melrose Avenue Bronx, New York 10455	#7 – Ex. F
Flash Sports	16 West 125th Street Manhattan, New York 10027	#8 – Ex. G
Metro Sportswear	118 West 125 Street Manhattan, New York 10027	#9 – Ex. H
104 Street Fashions	1887 Third Avenue Manhattan, New York 10029	#10 – Ex. I

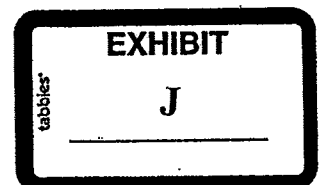


Exhibit D

Affidavit of Jacob Steven Wharton

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
HANESBRANDS INC. and HBI BRANDED
APPAREL ENTERPRISES, LLC,

Plaintiffs,

- against -

METRO SPORTS (d/b/a PLAYERS SPORTS, d/b/a
HOT DOT, d/b/a HIP HOP SPORTSWEAR); HOT
DOT FASHION, INC.; HIP HOP SPORTSWEAR
INC.; MICHAEL FASHIONS INC. (d/b/a MICHAEL
FASHION); LONDON BOY SPORTSWEAR, LTD.
(d/b/a LONDON BOY); TRANDZ N.Y., CORP. (d/b/a
OCTANE); OCTANE NYC INC. (d/b/a OCTANE);
FLASH SPORTS, INC.; 104TH ST. FASHION INC.
(d/b/a 104 STREET FASHIONS, d/b/a 104
FASHIONS); F.T.C. FASHION; various JOHN and
JANE DOES, and XYZ COMPANIES
(UNIDENTIFIED),

Defendants.
----- X

Civil Action No. 08-cv-0545 (VM)

CLERK'S CERTIFICATE OF DEFAULT OF DEFENDANTS

I, J. MICHAEL MCMAHON, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action commenced on **January 22, 2008** with the filing of a summons and complaint, a copy of the summons and complaint was served on all defendants by serving each defendant by personal service at the business addresses set forth below.

Metro Sports 3542 Broadway New York, NY 10031 (Signage = Hot Dot)	London Boy Sportswear, Ltd. 2908 Third Avenue Bronx, NY 10455 (Signage = London Boy)
Metro Sports 565 145th Street New York, NY 10031 (No Signage)	London Boy Sportswear, Ltd. 1027 Southern Blvd Bronx, NY 10459
Metro Sports 2946 Third Avenue Bronx, New York 10455 (Signage = Sportswear)	104th Street Fashion Inc. 1887 Third Avenue New York, NY 10029
F.T.C. Fashion 3663 Broadway New York, NY 10031 (Signage = F.T.C. Fashion)	Trandz N.Y. Corp. 560 Melrose Avenue Bronx, NY 10455 (Signage = Octane)
Michael Fashions, Inc. 2936 Third Avenue Bronx, NY 10455 (Signage = Michael Fashion)	Octane N.Y. Corp. 560 Melrose Avenue Bronx, NY 10455 (Signage = Octane)
Flash Sports, Inc. 16 West 125th Street New York, NY 10027 (Signage = Flash Sports)	

Proof of such service thereof was filed on **February 11 and February 28, 2008.**

I further certify that the docket entries indicate that the defendant has not filed an answer or otherwise moved with respect to the complaint herein. The default of the defendants is hereby noted.

Dated: New York, New York

3/25/08

J. MICHAEL MCMAHON
Clerk of the Court

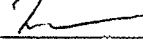
By: 
Deputy Clerk

Exhibit E

Affidavit of Jacob Steven Wharton

WOMBLE
CARLYLE
SANDRIDGE
& RICE
A PROFESSIONAL LIMITED
LIABILITY COMPANY

One West Fourth Street
Winston-Salem, NC 27101

Telephone: (336) 721-3600
Fax: (336) 721-3660
Web site: www.wcsr.com

Jacob S. Wharton
Registered Patent Attorney
Direct Dial: (336) 747-6609
Direct Fax: (336) 726-6985
E-mail: JWharton@wcsr.com

March 31, 2008

VIA U.S. MAIL

Flash Sports, Inc.
Attn: Abraham Dotse
16 West 125th Street
New York, New York 10027

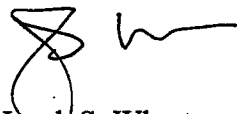
Re: *Hanesbrands, Inc. and HBI Branded Apparel Enterprises, LLC v. Metro Sports, et al.*, Civil Action No. 08-cv-0545 (VM) (S.D.N.Y.)

Dear Mr. Dotse,

You are in default in the above-mentioned lawsuit due to your failure to answer plaintiff's complaint or otherwise plead. A copy of the Clerk's Certificate of Default is enclosed. In view of the default, plaintiffs Hanesbrands, Inc. and HBI Branded Apparel Enterprises, LLC ("Plaintiffs") intend to move for default judgment against Flash Sports, Inc. and seek injunctive relief preventing you from selling counterfeit goods, statutory damages in an amount to be set by the court, attorneys' fees, and costs. Statutory damages may be set at not less than \$500 or more than \$100,000 per counterfeit mark per type of good sold. We have reached out to you several times seeking cooperation in identifying the source of the counterfeit goods and despite your indication that you would cooperate, to date, we have not received any cooperation from you, such as providing paperwork regarding the counterfeits and identifying the source of the counterfeits. Accordingly, Plaintiffs intend to move for default judgment no later than April 11. Should you wish to provide any information about the counterfeit goods please call the undersigned at (336) 747-6609.

Sincerely,

**WOMBLE CARLYLE SANDRIDGE & RICE,
*A Professional Limited Liability Company***



Jacob S. Wharton

JSW:vts
Enclosure

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**HANESBRANDS INC. and HBI BRANDED
APPAREL ENTERPRISES, LLC,**

Plaintiffs,

- against -

METRO SPORTS (d/b/a PLAYERS SPORTS, d/b/a HOT DOT, d/b/a HIP HOP SPORTSWEAR); HOT DOT FASHION, INC.; HIP HOP SPORTSWEAR INC.; MICHAEL FASHIONS INC. (d/b/a MICHAEL FASHION); LONDON BOY SPORTSWEAR, LTD. (d/b/a LONDON BOY); TRANDZ N.Y., CORP. (d/b/a OCTANE); OCTANE NYC INC. (d/b/a OCTANE); FLASH SPORTS, INC.; 104TH ST. FASHION INC. (d/b/a 104 STREET FASHIONS, d/b/a 104 FASHIONS); F.T.C. FASHION; various JOHN and JANE DOES, and XYZ COMPANIES (UNIDENTIFIED),

Defendants.

CLERK'S CERTIFICATE OF DEFAULT OF DEFENDANTS

I, J. MICHAEL MCMAHON, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action commenced on **January 22, 2008** with the filing of a summons and complaint, a copy of the summons and complaint was served on all defendants by serving each defendant by personal service at the business addresses set forth below.

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Metro Sports 565 145th Street New York, NY 10031 (No Signage)	London Boy Sportswear, Ltd. 1027 Southern Blvd Bronx, NY 10459
Metro Sports 2946 Third Avenue Bronx, New York 10455 (Signage = Sportswear)	104th Street Fashion Inc. 1887 Third Avenue New York, NY 10029
F.T.C. Fashion 3663 Broadway New York, NY 10031 (Signage = F.T.C. Fashion)	Trandz N.Y. Corp. 560 Melrose Avenue Bronx, NY 10455 (Signage = Octane)
Michael Fashions, Inc. 2936 Third Avenue Bronx, NY 10455 (Signage = Michael Fashion)	Octane N.Y. Corp. 560 Melrose Avenue Bronx, NY 10455 (Signage = Octane)
Flash Sports, Inc. 16 West 125th Street New York, NY 10027 (Signage = Flash Sports)	

Proof of such service thereof was filed on February 11 and February 28, 2008.

I further certify that the docket entries indicate that the defendant has not filed an answer or otherwise moved with respect to the complaint herein. The default of the defendants is hereby noted.

Dated: New York, New York

3/25/08

J. MICHAEL MCMAHON
Clerk of the Court

By: 
Deputy Clerk

**WOMBLE
CARLYLE
SANDRIDGE
& RICE**
A PROFESSIONAL LIMITED
LIABILITY COMPANY

One West Fourth Street
Winston-Salem, NC 27101

Telephone: (336) 721-3600
Fax: (336) 721-3660
Web site: www.wcsr.com

Jacob S. Wharton
Registered Patent Attorney
Direct Dial: (336) 747-6609
Direct Fax: (336) 726-6985
E-mail: JWharton@wcsr.com

March 31, 2008

VIA U.S. MAIL

Metro Sports
3542 Broadway
New York, New York 10031

Metro Sports
565 145th Street
New York, New York 10031

Metro Sports
2946 Third Avenue
Bronx, New York 10455


Re: *Hanesbrands, Inc. and HBI Branded Apparel Enterprises, LLC v. Metro Sports, et al., Civil Action No. 08-cv-0545 (VM) (S.D.N.Y.)*

Dear Sir/Madam,

You are in default in the above-mentioned lawsuit due to your failure to answer plaintiff's complaint or otherwise plead. A copy of the Clerk's Certificate of Default is enclosed. In view of the default, plaintiffs Hanesbrands, Inc. and HBI Branded Apparel Enterprises, LLC ("Plaintiffs") intend to move for default judgment against Metro Sports and seek injunctive relief preventing you from selling counterfeit goods, statutory damages in an amount to be set by the court, attorneys' fees, and costs. Statutory damages may be set at not less than \$500 or more than \$100,000 per counterfeit mark per type of good sold. We have reached out to you several times seeking cooperation in identifying the source of the counterfeit goods. To date, we have not received any cooperation from you. Accordingly, Plaintiffs intend to move for default judgment no later than April 11. Should you wish to provide any information about the counterfeit goods please call the undersigned at (336) 747-6609.

Sincerely,

**WOMBLE CARLYLE SANDRIDGE & RICE,
*A Professional Limited Liability Company***



Jacob S. Wharton

JSW:vts

Enclosure

GEORGIA / SOUTH CAROLINA / NORTH CAROLINA / VIRGINIA / WASHINGTON D.C. / DELAWARE

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
:
HANESBRANDS INC. and HBI BRANDED
APPAREL ENTERPRISES, LLC,
:

Plaintiffs,
:

- against -
:

METRO SPORTS (d/b/a PLAYERS SPORTS, d/b/a
HOT DOT, d/b/a HIP HOP SPORTSWEAR); HOT
DOT FASHION, INC.; HIP HOP SPORTSWEAR
INC.; MICHAEL FASHIONS INC. (d/b/a MICHAEL
FASHION); LONDON BOY SPORTSWEAR, LTD.
(d/b/a LONDON BOY); TRANDZ N.Y., CORP. (d/b/a
OCTANE); OCTANE NYC INC. (d/b/a OCTANE);
FLASH SPORTS, INC.; 104TH ST. FASHION INC.
(d/b/a 104 STREET FASHIONS, d/b/a 104
FASHIONS); F.T.C. FASHION; various JOHN and
JANE DOES, and XYZ COMPANIES
(UNIDENTIFIED),
:

Defendants.
:
----- X

Civil Action No. 08-cv-0545 (VM)

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Metro Sports 2946 Third Avenue Bronx, New York 10455 (Signage = Sportswear)	104th Street Fashion Inc. 1887 Third Avenue New York, NY 10029
F.T.C. Fashion 3663 Broadway New York, NY 10031 (Signage = F.T.C. Fashion)	Trandz N.Y. Corp. 560 Melrose Avenue Bronx, NY 10455 (Signage = Octane)
Michael Fashions, Inc. 2936 Third Avenue Bronx, NY 10455 (Signage = Michael Fashion)	Octane N.Y. Corp. 560 Melrose Avenue Bronx, NY 10455 (Signage = Octane)
Flash Sports, Inc. 16 West 125th Street New York, NY 10027 (Signage = Flash Sports)	

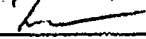
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Dated: New York, New York

3/25/08

J. MICHAEL MCMAHON
Clerk of the Court

By: 
Deputy Clerk

**WOMBLE
CARLYLE
SANDRIDGE
& RICE**
A PROFESSIONAL LIMITED
LIABILITY COMPANY

One West Fourth Street
Winston-Salem, NC 27101

Telephone: (336) 721-3600
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Web site: www.wcsr.com

Jacob S. Wharton
Registered Patent Attorney
Direct Dial: (336) 747-6609
Direct Fax: (336) 726-6985
E-mail: JWharton@wcsr.com

March 31, 2008

VIA U.S. MAIL

104 Street Fashions, Inc.
1887 Third Avenue
New York, New York 10029


Re: *Hanesbrands, Inc. and HBI Branded Apparel Enterprises, LLC v. Metro Sports, et al.*, Civil Action No. 08-cv-0545 (VM) (S.D.N.Y.)

Dear Sir/Madam,

You are in default in the above-mentioned lawsuit due to your failure to answer plaintiff's complaint or otherwise plead. A copy of the Clerk's Certificate of Default is enclosed. In view of the default, plaintiffs Hanesbrands, Inc. and HBI Branded Apparel Enterprises, LLC ("Plaintiffs") intend to move for default judgment against 104 Street Fashions, Inc. and seek injunctive relief preventing you from selling counterfeit goods, statutory damages in an amount to be set by the court, attorneys' fees, and costs. Statutory damages may be set at not less than \$500 or more than \$100,000 per counterfeit mark per type of good sold. We have reached out to you several times seeking cooperation in identifying the source of the counterfeit goods. To date, we have not received any cooperation from you. Accordingly, Plaintiffs intend to move for default judgment no later than April 11. Should you wish to provide any information about the counterfeit goods please call the undersigned at (336) 747-6609.

Sincerely,

WOMBLE CARLYLE SANDRIDGE & RICE,
A Professional Limited Liability Company



Jacob S. Wharton

JSW:vts
Enclosure

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
:
HANESBRANDS INC. and HBI BRANDED
APPAREL ENTERPRISES, LLC,
:

Plaintiffs,
:

- against -
:

METRO SPORTS (d/b/a PLAYERS SPORTS, d/b/a
HOT DOT, d/b/a HIP HOP SPORTSWEAR); HOT
DOT FASHION, INC.; HIP HOP SPORTSWEAR
INC.; MICHAEL FASHIONS INC. (d/b/a MICHAEL
FASHION); LONDON BOY SPORTSWEAR, LTD.
(d/b/a LONDON BOY); TRANDZ N.Y., CORP. (d/b/a
OCTANE); OCTANE NYC INC. (d/b/a OCTANE);
FLASH SPORTS, INC.; 104TH ST. FASHION INC.
(d/b/a 104 STREET FASHIONS, d/b/a 104
FASHIONS); F.T.C. FASHION; various JOHN and
JANE DOES, and XYZ COMPANIES
(UNIDENTIFIED),
:

Defendants.
:
----- X

Civil Action No. 08-cv-0545 (VM)

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Michael Fashions, Inc. 2936 Third Avenue Bronx, NY 10455 (Signage = Michael Fashion)	Octane N.Y. Corp. 560 Melrose Avenue Bronx, NY 10455 (Signage = Octane)
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Dated: New York, New York

3/25/08

J. MICHAEL MCMAHON
Clerk of the Court

By: 
Deputy Clerk

**WOMBLE
CARLYLE
SANDRIDGE
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One West Fourth Street
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Telephone: (336) 721-3600
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Web site: www.wcsr.com

Jacob S. Wharton
Registered Patent Attorney
Direct Dial: (336) 747-6609
Direct Fax: (336) 726-6985
E-mail: JWharton@wcsr.com

March 31, 2008

VIA U.S. MAIL

F.T.C Fashion
Attn: Mohammed Ceesay
3663 Broadway
New York, New York 10031

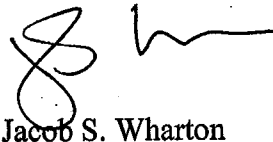
Re: *Hanesbrands, Inc. and HBI Branded Apparel Enterprises, LLC v. Metro Sports, et al., Civil Action No. 08-cv-0545 (VM) (S.D.N.Y.)*

Dear Mr. Ceesay,

You are in default in the above-mentioned lawsuit due to your failure to answer plaintiff's complaint or otherwise plead. A copy of the Clerk's Certificate of Default is enclosed. In view of the default, plaintiffs Hanesbrands, Inc. and HBI Branded Apparel Enterprises, LLC ("Plaintiffs") intend to move for default judgment against F.T.C. Fashion and seek injunctive relief preventing you from selling counterfeit goods, statutory damages in an amount to be set by the court, attorneys' fees, and costs. Statutory damages may be set at not less than \$500 or more than \$100,000 per counterfeit mark per type of good sold. We have reached out to you several times seeking cooperation in identifying the source of the counterfeit goods and despite your indication that you would cooperate, to date, we have not received any cooperation from you, such as providing paperwork regarding the counterfeits and identifying the source of the counterfeits. Accordingly, Plaintiffs intend to move for default judgment no later than April 11. Should you wish to provide any information about the counterfeit goods please call the undersigned at (336) 747-6609.

Sincerely,

**WOMBLE CARLYLE SANDRIDGE & RICE,
*A Professional Limited Liability Company***



Jacob S. Wharton

JSW:vts
Enclosure

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
:
HANESBRANDS INC. and HBI BRANDED
APPAREL ENTERPRISES, LLC,
:

Plaintiffs,
:

- against -
:

METRO SPORTS (d/b/a PLAYERS SPORTS, d/b/a
HOT DOT, d/b/a HIP HOP SPORTSWEAR); HOT
DOT FASHION, INC.; HIP HOP SPORTSWEAR
INC.; MICHAEL FASHIONS INC. (d/b/a MICHAEL
FASHION); LONDON BOY SPORTSWEAR, LTD.
(d/b/a LONDON BOY); TRANDZ N.Y., CORP. (d/b/a
OCTANE); OCTANE NYC INC. (d/b/a OCTANE);
FLASH SPORTS, INC.; 104TH ST. FASHION INC.
(d/b/a 104 STREET FASHIONS, d/b/a 104
FASHIONS); F.T.C. FASHION; various JOHN and
JANE DOES, and XYZ COMPANIES
(UNIDENTIFIED),
:

Defendants.
:
----- X

Civil Action No. 08-cv-0545 (VM)

CLERK'S CERTIFICATE OF DEFAULT OF DEFENDANTS

I, J. MICHAEL MCMAHON, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action commenced on **January 22, 2008** with the filing of a summons and complaint, a copy of the summons and complaint was served on all defendants by serving each defendant by personal service at the business addresses set forth below.

Metro Sports 3542 Broadway New York, NY 10031 (Signage = Hot Dot)	London Boy Sportswear, Ltd. 2908 Third Avenue Bronx, NY 10455 (Signage = London Boy)
Metro Sports 565 145th Street New York, NY 10031 (No Signage)	London Boy Sportswear, Ltd. 1027 Southern Blvd Bronx, NY 10459
Metro Sports 2946 Third Avenue Bronx, New York 10455 (Signage = Sportswear)	104th Street Fashion Inc. 1887 Third Avenue New York, NY 10029
F.T.C. Fashion 3663 Broadway New York, NY 10031 (Signage = F.T.C. Fashion)	Trandz N.Y. Corp. 560 Melrose Avenue Bronx, NY 10455 (Signage = Octane)
Michael Fashions, Inc. 2936 Third Avenue Bronx, NY 10455 (Signage = Michael Fashion)	Octane N.Y. Corp. 560 Melrose Avenue Bronx, NY 10455 (Signage = Octane)
Flash Sports, Inc. 16 West 125th Street New York, NY 10027 (Signage = Flash Sports)	

Proof of such service thereof was filed on **February 11 and February 28, 2008.**

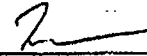
I further certify that the docket entries indicate that the defendant has not filed an answer or otherwise moved with respect to the complaint herein. The default of the defendants is hereby noted,

Dated: New York, New York

3/25/08

J. MICHAEL MCMAHON
Clerk of the Court

By: _____


Deputy Clerk

**WOMBLE
CARLYLE
SANDRIDGE
& RICE**
A PROFESSIONAL LIMITED
LIABILITY COMPANY

One West Fourth Street
Winston-Salem, NC 27101

Telephone: (336) 721-3600
Fax: (336) 721-3660
Web site: www.wcsr.com

Jacob S. Wharton
Registered Patent Attorney
Direct Dial: (336) 747-6609
Direct Fax: (336) 726-6985
E-mail: JWharton@wcsr.com

March 31, 2008

VIA U.S. MAIL

Trandz N.Y. Corp
560 Melrose Avenue
Bronx, New York 10455

Attention: Hassan Ismail

Octane N.Y. Corp.
560 Melrose Avenue
Bronx, New York 10455


Re: *Hanesbrands, Inc. and HBI Branded Apparel Enterprises, LLC v. Metro Sports, et al., Civil Action No. 08-cv-0545 (VM) (S.D.N.Y.)*

Dear Mr. Ismail,

You are in default in the above-mentioned lawsuit due to your failure to answer plaintiff's complaint or otherwise plead. A copy of the Clerk's Certificate of Default is enclosed. In view of the default, plaintiffs Hanesbrands, Inc. and HBI Branded Apparel Enterprises, LLC ("Plaintiffs") intend to move for default judgment against Trandz N.Y. and Octane N.Y. and seek injunctive relief preventing you from selling counterfeit goods, statutory damages in an amount to be set by the court, attorneys' fees, and costs. Statutory damages may be set at not less than \$500 or more than \$100,000 per counterfeit mark per type of good sold. We have reached out to you several times seeking cooperation in identifying the source of the counterfeit goods and despite your indication that you would cooperate, to date, we have not received any cooperation from you, such as providing paperwork regarding the counterfeits and identifying the source of the counterfeits. Accordingly, Plaintiffs intend to move for default judgment no later than April 11. Should you wish to provide any information about the counterfeit goods please call the undersigned at (336) 747-6609.

Sincerely,

**WOMBLE CARLYLE SANDRIDGE & RICE,
*A Professional Limited Liability Company***


Jacob S. Wharton

JSW:vts

Enclosure

GEORGIA / SOUTH CAROLINA / NORTH CAROLINA / VIRGINIA / WASHINGTON D.C. / DELAWARE

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
:
HANESBRANDS INC. and HBI BRANDED
APPAREL ENTERPRISES, LLC,
:

Plaintiffs,
:

- against -
:

METRO SPORTS (d/b/a PLAYERS SPORTS, d/b/a
HOT DOT, d/b/a HIP HOP SPORTSWEAR); HOT
DOT FASHION, INC.; HIP HOP SPORTSWEAR
INC.; MICHAEL FASHIONS INC. (d/b/a MICHAEL
FASHION); LONDON BOY SPORTSWEAR, LTD.
(d/b/a LONDON BOY); TRANDZ N.Y., CORP. (d/b/a
OCTANE); OCTANE NYC INC. (d/b/a OCTANE);
FLASH SPORTS, INC.; 104TH ST. FASHION INC.
(d/b/a 104 STREET FASHIONS, d/b/a 104
FASHIONS); F.T.C. FASHION; various JOHN and
JANE DOES, and XYZ COMPANIES
(UNIDENTIFIED),
:

Defendants.
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:
----- X

Civil Action No. 08-cv-0545 (VM)

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F.T.C. Fashion 3663 Broadway New York, NY 10031 (Signage = F.T.C. Fashion)	Trandz N.Y. Corp. 560 Melrose Avenue Bronx, NY 10455 (Signage = Octane)
Michael Fashions, Inc. 2936 Third Avenue Bronx, NY 10455 (Signage = Michael Fashion)	Octane N.Y. Corp. 560 Melrose Avenue Bronx, NY 10455 (Signage = Octane)
Flash Sports, Inc. 16 West 125th Street New York, NY 10027 (Signage = Flash Sports)	

Proof of such service thereof was filed on February 11 and February 28, 2008.

I further certify that the docket entries indicate that the defendant has not filed an answer or otherwise moved with respect to the complaint herein. The default of the defendants is hereby noted.

Dated: New York, New York

3/25/08

J. MICHAEL MCMAHON
Clerk of the Court

By: 
Deputy Clerk

**WOMBLE
CARLYLE
SANDRIDGE
& RICE**
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One West Fourth Street
Winston-Salem, NC 27101

Telephone: (336) 721-3600
Fax: (336) 721-3660
Web site: www.wcsr.com

Jacob S. Wharton
Registered Patent Attorney
Direct Dial: (336) 747-6609
Direct Fax: (336) 726-6985
E-mail: JWharton@wcsr.com

March 31, 2008

VIA U.S. MAIL

Michael Fashions, Inc.
2936 Third Avenue
Bronx, New York 10455

London Boy Sportswear, Ltd.
2908 Third Avenue
Bronx, New York 10455

London Boy Sportswear, Ltd.
1027 Southern Boulevard
Bronx, New York 10459

Attention: Ali Khalil

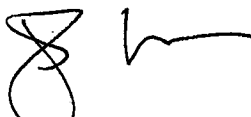
Re: *Hanesbrands, Inc. and HBI Branded Apparel Enterprises, LLC v. Metro Sports, et al., Civil Action No. 08-cv-0545 (VM) (S.D.N.Y.)*

Dear Mr. Khalil,

You are in default in the above-mentioned lawsuit due to your failure to answer plaintiff's complaint or otherwise plead. A copy of the Clerk's Certificate of Default is enclosed. In view of the default, plaintiffs Hanesbrands, Inc. and HBI Branded Apparel Enterprises, LLC ("Plaintiffs") intend to move for default judgment against Michael Fashions and London Boy and seek injunctive relief preventing you from selling counterfeit goods, statutory damages in an amount to be set by the court, attorneys' fees, and costs. Statutory damages may be set at not less than \$500 or more than \$100,000 per counterfeit mark per type of good sold. We have reached out to you several times seeking cooperation in identifying the source of the counterfeit goods and despite your indication that you would cooperate, to date, we have not received any cooperation from you, such as providing paperwork regarding the counterfeits and identifying the source of the counterfeits. Accordingly, Plaintiffs intend to move for default judgment no later than April 11. Should you wish to provide any information about the counterfeit goods please call the undersigned at (336) 747-6609.

Sincerely,

**WOMBLE CARLYLE SANDRIDGE & RICE,
A Professional Limited Liability Company**



Jacob S. Wharton

JSW:vts

Enclosure

GEORGIA / SOUTH CAROLINA / NORTH CAROLINA / VIRGINIA / WASHINGTON D.C. / DELAWARE

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**HANESBRANDS INC. and HBI BRANDED
APPAREL ENTERPRISES, LLC,**

Plaintiffs,

- against -

METRO SPORTS (d/b/a PLAYERS SPORTS, d/b/a HOT DOT, d/b/a HIP HOP SPORTSWEAR); HOT DOT FASHION, INC.; HIP HOP SPORTSWEAR INC.; MICHAEL FASHIONS INC. (d/b/a MICHAEL FASHION); LONDON BOY SPORTSWEAR, LTD. (d/b/a LONDON BOY); TRANDZ N.Y., CORP. (d/b/a OCTANE); OCTANE NYC INC. (d/b/a OCTANE); FLASH SPORTS, INC.; 104TH ST. FASHION INC. (d/b/a 104 STREET FASHIONS, d/b/a 104 FASHIONS); F.T.C. FASHION; various JOHN and JANE DOES, and XYZ COMPANIES (UNIDENTIFIED),

Defendants.

CLERK'S CERTIFICATE OF DEFAULT OF DEFENDANTS

I, J. MICHAEL MCMAHON, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action commenced on **January 22, 2008** with the filing of a summons and complaint, a copy of the summons and complaint was served on all defendants by serving each defendant by personal service at the business addresses set forth below.

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Metro Sports 565 145th Street New York, NY 10031 (No Signage)	London Boy Sportswear, Ltd. 1027 Southern Blvd Bronx, NY 10459
Metro Sports 2946 Third Avenue Bronx, New York 10455 (Signage = Sportswear)	104th Street Fashion Inc. 1887 Third Avenue New York, NY 10029
F.T.C. Fashion 3663 Broadway New York, NY 10031 (Signage = F.T.C. Fashion)	Trandz N.Y. Corp. 560 Melrose Avenue Bronx, NY 10455 (Signage = Octane)
Michael Fashions, Inc. 2936 Third Avenue Bronx, NY 10455 (Signage = Michael Fashion)	Octane N.Y. Corp. 560 Melrose Avenue Bronx, NY 10455 (Signage = Octane)
Flash Sports, Inc. 16 West 125th Street New York, NY 10027 (Signage = Flash Sports)	

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Dated: New York, New York

3/25/08

J. MICHAEL MCMAHON
Clerk of the Court

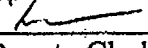
By: 
Deputy Clerk

Exhibit F

Affidavit of Jacob Steven Wharton

Morgan & Finnegan, L.L.P.

A Registered Limited Liability Partnership

3 WORLD FINANCIAL CENTER

NEW YORK, NY 10281-2101

TEL: 212-415-8700

FAX: 212-415-8701

www.morganfinnegan.com

COLIN FOLEY
(212) 415-8727
CFOLEY@morganfinnegan.com

January 30, 2008

BY HAND

Flash Sports, Inc.
16 West 125th Street
New York, NY 10027

Re: *Hanesbrands Inc. and HBI Branded Apparel Enterprises, LLC v. Metro Sports Inc. et al*, No. 08 CV 0545 (VM)

Dear Sir or Madam:

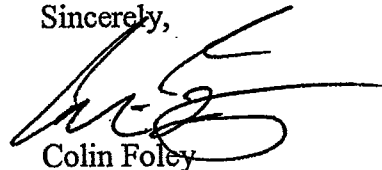
Hanesbrands Inc. and HBI Branded Apparel Enterprises, LLC ("Plaintiffs") have initiated a lawsuit in the United States District Court for the Southern District of New York against Flash Sports, Inc., as well as several other New York based retailers. The lawsuit centers on your store's sale of counterfeit Champion Super Hood sweatshirts. Plaintiffs are moving for a Temporary Restraining Order and Preliminary Injunction to enjoin your sale of the counterfeit Champion Super Hood sweatshirts pending the outcome of this litigation.

In addition, Plaintiffs have petitioned the Court for seizure of your counterfeit sweatshirts as well as any records pertaining the counterfeit goods and also seek expedited discovery and an evidence preservation order. **It is imperative that the counterfeit sweatshirts and records be preserved or you might be subject to sanctions.** A complete list of the papers you are being served with is attached.

We would like to arrange a time to speak with you concerning this matter and to schedule a hearing with the Court to set a date and time for the hearing on the Temporary Restraining Order.

We ask that you or your attorney please call me as soon as possible at 212-415-8727 to discuss this matter.

Sincerely,



Colin Foley

cc: Hon. Victor Marrero

Morgan & Finnegan, L.L.P.

LIST OF PAPERS SERVED ON DEFENDANTS

- (1) Complaint
- (2) Summons
- (3) Plaintiffs Rule 7.1 Statement
- (4) Plaintiffs' Notice of Motion and Motion for a Temporary Restraining Order, Seizure Order, and Order to Show Cause Why a Preliminary Injunction Should Not Issue;
- (5) Memorandum In Support of Plaintiffs' Motion for a Temporary Restraining Order, Seizure Order, and Order to Show Cause Why a Preliminary Injunction Should Not Issue;
- (6) Affidavit of Jacob S. Wharton (Exs. A-H);
- (7) Affidavit of Richard Heller (Exs. A-O);
- (8) Affidavit of Manuel Martinez (Exs. A-J);
- (9) Affidavit of Allen Ortiz;
- (10) Affidavit of Raundy Melo;
- (11) [Proposed] Order to Show Cause for a Temporary Restraining Order;
- (12) [Proposed] Order to Show Cause On a Motion Why a Preliminary Injunction Should Not Issue; and
- (13) [Proposed] Seizure Order;
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- (16) Memorandum In Support of Plaintiffs' Motion for Expedited Discovery and Preservation of Evidence;
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- (18) [Proposed] Preservation Order
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Morgan & Finnegan, L.L.P.

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(24) Individual Practices of the Honorable Victor Marerro

(25) Individual Practices of Magistrate Judge Gabriel W. Gorenstein

Morgan & Finnegan, L.L.P.

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TEL: 212-415-8700

FAX: 212-415-8701

www.morganfinnegan.com

COLIN FOLEY
(212) 415-8727
CFOLEY@morganfinnegan.com

January 30, 2008

BY HAND

104th Street Fashion Inc.
1887 Third Avenue
New York, NY 10029

Re: *Hanesbrands Inc. and HBI Branded Apparel Enterprises, LLC v. Metro Sports Inc. et al.*, No. 08 CV 0545 (VM)

Dear Sir or Madam:

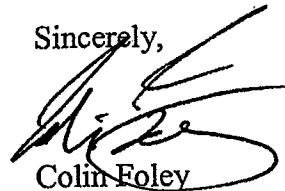
Hanesbrands Inc. and HBI Branded Apparel Enterprises, LLC ("Plaintiffs") have initiated a lawsuit in the United States District Court for the Southern District of New York against 104th Street Fashion Inc., as well as several other New York based retailers. The lawsuit centers on your store's sale of counterfeit Champion Super Hood sweatshirts. Plaintiffs are moving for a Temporary Restraining Order and Preliminary Injunction to enjoin your sale of the counterfeit Champion Super Hood sweatshirts pending the outcome of this litigation.

In addition, Plaintiffs have petitioned the Court for seizure of your counterfeit sweatshirts as well as any records pertaining the counterfeit goods and also seek expedited discovery and an evidence preservation order. **It is imperative that the counterfeit sweatshirts and records be preserved or you might be subject to sanctions.** A complete list of the papers you are being served with is attached.

We would like to arrange a time to speak with you concerning this matter and to schedule a hearing with the Court to set a date and time for the hearing on the Temporary Restraining Order.

We ask that you or your attorney please call me as soon as possible at 212-415-8727 to discuss this matter.

Sincerely,



Colin Foley

cc: Hon. Victor Marrero

Morgan & Finnegan, L.L.P.

LIST OF PAPERS SERVED ON DEFENDANTS

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- (10) Affidavit of Raundy Melo;
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COLIN FOLEY

(212) 415-8727

CFOLEY@morganfinnegan.com

January 30, 2008

BY HAND

Octane N.Y. Corp.
560 Melrose Avenue
Bronx, NY 10455

Re: *Hanesbrands Inc. and HBI Branded Apparel Enterprises, LLC v. Metro Sports Inc. et al*, No. 08 CV 0545 (VM)

Dear Sir or Madam:

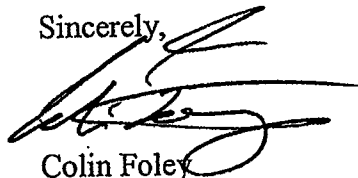
Hanesbrands Inc. and HBI Branded Apparel Enterprises, LLC ("Plaintiffs") have initiated a lawsuit in the United States District Court for the Southern District of New York against Octane N.Y. Corp., as well as several other New York based retailers. The lawsuit centers on your store's sale of counterfeit Champion Super Hood sweatshirts. Plaintiffs are moving for a Temporary Restraining Order and Preliminary Injunction to enjoin your sale of the counterfeit Champion Super Hood sweatshirts pending the outcome of this litigation.

In addition, Plaintiffs have petitioned the Court for seizure of your counterfeit sweatshirts as well as any records pertaining the counterfeit goods and also seek expedited discovery and an evidence preservation order. It is imperative that the counterfeit sweatshirts and records be preserved or you might be subject to sanctions. A complete list of the papers you are being served with is attached.

We would like to arrange a time to speak with you concerning this matter and to schedule a hearing with the Court to set a date and time for the hearing on the Temporary Restraining Order.

We ask that you or your attorney please call me as soon as possible at 212-415-8727 to discuss this matter.

Sincerely,



Colin Foley

cc: Hon. Victor Marrero

Morgan & Finnegan, L.L.P.

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COLIN FOLEY
(212) 415-8727
CFOLEY@morganfinnegan.com

January 30, 2008

BY HAND

Tranz N.Y. Corp.
560 Melrose Avenue
Bronx, NY 10455

Re: *Hanesbrands Inc. and HBI Branded Apparel Enterprises, LLC v. Metro Sports Inc. et al*, No. 08 CV 0545 (VM)

Dear Sir or Madam:

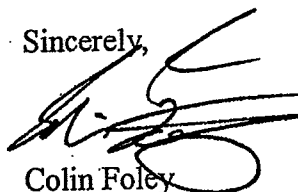
Hanesbrands Inc. and HBI Branded Apparel Enterprises, LLC ("Plaintiffs") have initiated a lawsuit in the United States District Court for the Southern District of New York against Tranz N.Y. Corp., as well as several other New York based retailers. The lawsuit centers on your store's sale of counterfeit Champion Super Hood sweatshirts. Plaintiffs are moving for a Temporary Restraining Order and Preliminary Injunction to enjoin your sale of the counterfeit Champion Super Hood sweatshirts pending the outcome of this litigation.

In addition, Plaintiffs have petitioned the Court for seizure of your counterfeit sweatshirts as well as any records pertaining to the counterfeit goods and also seek expedited discovery and an evidence preservation order. **It is imperative that the counterfeit sweatshirts and records be preserved or you might be subject to sanctions.** A complete list of the papers you are being served with is attached.

We would like to arrange a time to speak with you concerning this matter and to schedule a hearing with the Court to set a date and time for the hearing on the Temporary Restraining Order.

We ask that you or your attorney please call me as soon as possible at 212-415-8727 to discuss this matter.

Sincerely,



Colin Foley

cc: Hon. Victor Marrero

Morgan & Finnegan, L.L.P.

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COLIN FOLEY
(212) 415-8727
CFOLEY@morganfinnegan.com

January 30, 2008

BY HAND

Metro Sports, Inc.
3542 Broadway
New York, NY 10031

Re: *Hanesbrands Inc. and HBI Branded Apparel Enterprises, LLC v. Metro Sports Inc. et al*, No. 08 CV 0545 (VM)

Dear Sir or Madam:

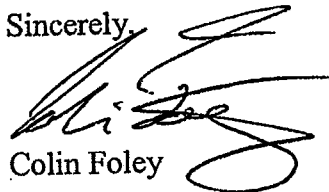
Hanesbrands Inc. and HBI Branded Apparel Enterprises, LLC ("Plaintiffs") have initiated a lawsuit in the United States District Court for the Southern District of New York against Metro Sports, Inc., 3542 Broadway, as well as several other New York based retailers. The lawsuit centers on your store's sale of counterfeit Champion Super Hood sweatshirts. Plaintiffs are moving for a Temporary Restraining Order and Preliminary Injunction to enjoin your sale of the counterfeit Champion Super Hood sweatshirts pending the outcome of this litigation.

In addition, Plaintiffs have petitioned the Court for seizure of your counterfeit sweatshirts as well as any records pertaining the counterfeit goods and also seek expedited discovery and an evidence preservation order. **It is imperative that the counterfeit sweatshirts and records be preserved or you might be subject to sanctions.** A complete list of the papers you are being served with is attached.

We would like to arrange a time to speak with you concerning this matter and to schedule a hearing with the Court to set a date and time for the hearing on the Temporary Restraining Order.

We ask that you or your attorney please call me as soon as possible at 212-415-8727 to discuss this matter.

Sincerely,



Colin Foley

cc: Hon. Victor Marrero

Morgan & Finnegan, L.L.P.

LIST OF PAPERS SERVED ON DEFENDANTS

- (1) Complaint
- (2) Summons
- (3) Plaintiffs Rule 7.1 Statement
- (4) Plaintiffs' Notice of Motion and Motion for a Temporary Restraining Order, Seizure Order, and Order to Show Cause Why a Preliminary Injunction Should Not Issue;
- (5) Memorandum In Support of Plaintiffs' Motion for a Temporary Restraining Order, Seizure Order, and Order to Show Cause Why a Preliminary Injunction Should Not Issue;
- (6) Affidavit of Jacob S. Wharton (Exs. A-H);
- (7) Affidavit of Richard Heller (Exs. A-O);
- (8) Affidavit of Manuel Martinez (Exs. A-J);
- (9) Affidavit of Allen Ortiz;
- (10) Affidavit of Raundy Melo;
- (11) [Proposed] Order to Show Cause for a Temporary Restraining Order;
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- (13) [Proposed] Seizure Order;
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FAX: 212-415-8701

www.morganfinnegan.com

COLIN FOLEY

(212) 415-8727

CFOLEY@morganfinnegan.com

January 30, 2008

BY HAND

Metro Sports, Inc.
565 145th Street
New York, NY 10031

Re: *Hanesbrands Inc. and HBI Branded Apparel Enterprises, LLC v. Metro Sports Inc. et al*, No. 08 CV 0545 (VM)

Dear Sir or Madam:

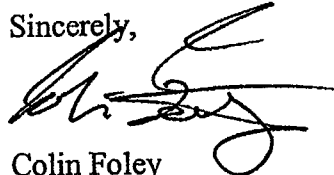
Hanesbrands Inc. and HBI Branded Apparel Enterprises, LLC ("Plaintiffs") have initiated a lawsuit in the United States District Court for the Southern District of New York against Metro Sports, Inc., 565 145th Street, as well as several other New York based retailers. The lawsuit centers on your store's sale of counterfeit Champion Super Hood sweatshirts. Plaintiffs are moving for a Temporary Restraining Order and Preliminary Injunction to enjoin your sale of the counterfeit Champion Super Hood sweatshirts pending the outcome of this litigation.

In addition, Plaintiffs have petitioned the Court for seizure of your counterfeit sweatshirts as well as any records pertaining to the counterfeit goods and also seek expedited discovery and an evidence preservation order. **It is imperative that the counterfeit sweatshirts and records be preserved or you might be subject to sanctions.** A complete list of the papers you are being served with is attached.

We would like to arrange a time to speak with you concerning this matter and to schedule a hearing with the Court to set a date and time for the hearing on the Temporary Restraining Order.

We ask that you or your attorney please call me as soon as possible at 212-415-8727 to discuss this matter.

Sincerely,



Colin Foley

cc: Hon. Victor Marrero

Morgan & Finnegan, L.L.P.

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COLIN FOLEY
(212) 415-8727
CFOLEY@morganfinnegan.com

January 30, 2008

BY HAND

Metro Sports, Inc.
2946 Third Avenue
Bronx, NY 10455

Re: *Hanesbrands Inc. and HBI Branded Apparel Enterprises, LLC v. Metro Sports Inc. et al*, No. 08 CV 0545 (VM)

Dear Sir or Madam:

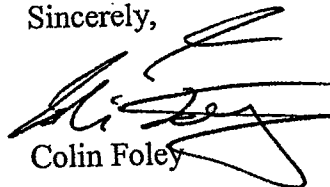
Hanesbrands Inc. and HBI Branded Apparel Enterprises, LLC ("Plaintiffs") have initiated a lawsuit in the United States District Court for the Southern District of New York against Metro Sports, Inc., 2946 Third Avenue, as well as several other New York based retailers. The lawsuit centers on your store's sale of counterfeit Champion Super Hood sweatshirts. Plaintiffs are moving for a Temporary Restraining Order and Preliminary Injunction to enjoin your sale of the counterfeit Champion Super Hood sweatshirts pending the outcome of this litigation.

In addition, Plaintiffs have petitioned the Court for seizure of your counterfeit sweatshirts as well as any records pertaining to the counterfeit goods and also seek expedited discovery and an evidence preservation order. **It is imperative that the counterfeit sweatshirts and records be preserved or you might be subject to sanctions.** A complete list of the papers you are being served with is attached.

We would like to arrange a time to speak with you concerning this matter and to schedule a hearing with the Court to set a date and time for the hearing on the Temporary Restraining Order.

We ask that you or your attorney please call me as soon as possible at 212-415-8727 to discuss this matter.

Sincerely,



Colin Foley

cc: Hon. Victor Marrero

Morgan & Finnegan, L.L.P.

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COLIN FOLEY
(212) 415-8727
CFOLEY@morganfinnegan.com

January 30, 2008

BY HAND

Metro Sports, Inc.
45-13 Greenpoint Avenue
Sunnyside, NY 11104

Re: *Hanesbrands Inc. and HBI Branded Apparel Enterprises, LLC v. Metro Sports Inc. et al*, No. 08 CV 0545 (VM)

Dear Sir or Madam:

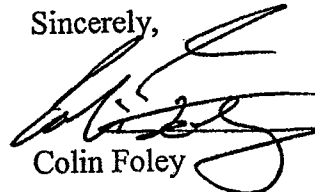
Hanesbrands Inc. and HBI Branded Apparel Enterprises, LLC ("Plaintiffs") have initiated a lawsuit in the United States District Court for the Southern District of New York against Metro Sports, Inc., 45-13 Greenpoint Avenue, as well as several other New York based retailers. The lawsuit centers on your store's sale of counterfeit Champion Super Hood sweatshirts. Plaintiffs are moving for a Temporary Restraining Order and Preliminary Injunction to enjoin your sale of the counterfeit Champion Super Hood sweatshirts pending the outcome of this litigation.

In addition, Plaintiffs have petitioned the Court for seizure of your counterfeit sweatshirts as well as any records pertaining to the counterfeit goods and also seek expedited discovery and an evidence preservation order. **It is imperative that the counterfeit sweatshirts and records be preserved or you might be subject to sanctions.** A complete list of the papers you are being served with is attached.

We would like to arrange a time to speak with you concerning this matter and to schedule a hearing with the Court to set a date and time for the hearing on the Temporary Restraining Order.

We ask that you or your attorney please call me as soon as possible at 212-415-8727 to discuss this matter.

Sincerely,



Colin Foley

cc: Hon. Victor Marrero

Morgan & Finnegan, L.L.P.

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COLIN FOLEY

(212) 415-8727

CFOLEY@morganfinnegan.com

January 30, 2008

BY HAND

F.T.C. Fashion

3663 Broadway

New York, NY 10031

Re: *Hanesbrands Inc. and HBI Branded Apparel Enterprises, LLC v. Metro Sports Inc. et al.*, No. 08 CV 0545 (VM)

Dear Sir or Madam:

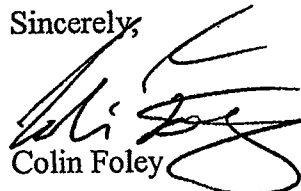
Hanesbrands Inc. and HBI Branded Apparel Enterprises, LLC ("Plaintiffs") have initiated a lawsuit in the United States District Court for the Southern District of New York against F.T.C. Fashion, as well as several other New York based retailers. The lawsuit centers on your store's sale of counterfeit Champion Super Hood sweatshirts. Plaintiffs are moving for a Temporary Restraining Order and Preliminary Injunction to enjoin your sale of the counterfeit Champion Super Hood sweatshirts pending the outcome of this litigation.

In addition, Plaintiffs have petitioned the Court for seizure of your counterfeit sweatshirts as well as any records pertaining the counterfeit goods and also seek expedited discovery and an evidence preservation order. **It is imperative that the counterfeit sweatshirts and records be preserved or you might be subject to sanctions.** A complete list of the papers you are being served with is attached.

We would like to arrange a time to speak with you concerning this matter and to schedule a hearing with the Court to set a date and time for the hearing on the Temporary Restraining Order.

We ask that you or your attorney please call me as soon as possible at 212-415-8727 to discuss this matter.

Sincerely,



Colin Foley

cc: Hon. Victor Marrero

Morgan & Finnegan, L.L.P.

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COLIN FOLEY
(212) 415-8727
CFOLEY@morganfinnegan.com

January 30, 2008

BY HAND

Michael Fashions, Inc.
2936 Third Avenue
Bronx, NY 10455

Re: *Hanesbrands Inc. and HBI Branded Apparel Enterprises, LLC v. Metro Sports Inc. et al*, No. 08 CV 0545 (VM)

Dear Sir or Madam:

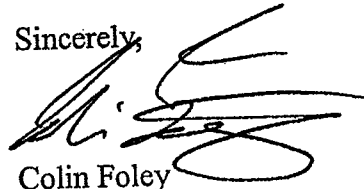
Hanesbrands Inc. and HBI Branded Apparel Enterprises, LLC ("Plaintiffs") have initiated a lawsuit in the United States District Court for the Southern District of New York against Michael Fashions, Inc., as well as several other New York based retailers. The lawsuit centers on your store's sale of counterfeit Champion Super Hood sweatshirts. Plaintiffs are moving for a Temporary Restraining Order and Preliminary Injunction to enjoin your sale of the counterfeit Champion Super Hood sweatshirts pending the outcome of this litigation.

In addition, Plaintiffs have petitioned the Court for seizure of your counterfeit sweatshirts as well as any records pertaining the counterfeit goods and also seek expedited discovery and an evidence preservation order. It is imperative that the counterfeit sweatshirts and records be preserved or you might be subject to sanctions. A complete list of the papers you are being served with is attached.

We would like to arrange a time to speak with you concerning this matter and to schedule a hearing with the Court to set a date and time for the hearing on the Temporary Restraining Order.

We ask that you or your attorney please call me as soon as possible at 212-415-8727 to discuss this matter.

Sincerely,



Colin Foley

cc: Hon. Victor Marrero

Morgan & Finnegan, L.L.P.

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COLIN FOLEY
(212) 415-8727
CFOLEY@morganfinnegan.com

January 30, 2008

BY HAND

London Boy Sportswear, Ltd.
2908 Third Avenue
Bronx, NY 10455

Re: *Hanesbrands Inc. and HBI Branded Apparel Enterprises, LLC v. Metro Sports Inc. et al.*, No. 08 CV 0545 (VM)

Dear Sir or Madam:

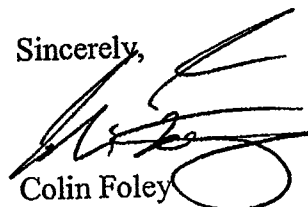
Hanesbrands Inc. and HBI Branded Apparel Enterprises, LLC ("Plaintiffs") have initiated a lawsuit in the United States District Court for the Southern District of New York against London Boy Sportswear, Ltd., 2908 Third Avenue, as well as several other New York based retailers. The lawsuit centers on your store's sale of counterfeit Champion Super Hood sweatshirts. Plaintiffs are moving for a Temporary Restraining Order and Preliminary Injunction to enjoin your sale of the counterfeit Champion Super Hood sweatshirts pending the outcome of this litigation.

In addition, Plaintiffs have petitioned the Court for seizure of your counterfeit sweatshirts as well as any records pertaining the counterfeit goods and also seek expedited discovery and an evidence preservation order. **It is imperative that the counterfeit sweatshirts and records be preserved or you might be subject to sanctions.** A complete list of the papers you are being served with is attached.

We would like to arrange a time to speak with you concerning this matter and to schedule a hearing with the Court to set a date and time for the hearing on the Temporary Restraining Order.

We ask that you or your attorney please call me as soon as possible at 212-415-8727 to discuss this matter.

Sincerely,



Colin Foley

cc: Hon. Victor Marrero

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COLIN FOLEY
(212) 415-8727
CFOLEY@morganfinnegan.com

January 30, 2008

BY HAND

London Boy Sportswear, Ltd.
1027 Southern Blvd.
Bronx, NY 10459

Re: *Hanesbrands Inc. and HBI Branded Apparel Enterprises, LLC v. Metro Sports Inc. et al*, No. 08 CV 0545 (VM)

Dear Sir or Madam:

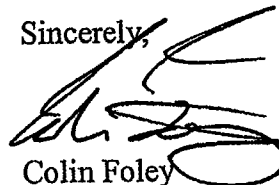
Hanesbrands Inc. and HBI Branded Apparel Enterprises, LLC ("Plaintiffs") have initiated a lawsuit in the United States District Court for the Southern District of New York against London Boy Sportswear, Ltd., 1027 Southern Blvd., as well as several other New York based retailers. The lawsuit centers on your store's sale of counterfeit Champion Super Hood sweatshirts. Plaintiffs are moving for a Temporary Restraining Order and Preliminary Injunction to enjoin your sale of the counterfeit Champion Super Hood sweatshirts pending the outcome of this litigation.

In addition, Plaintiffs have petitioned the Court for seizure of your counterfeit sweatshirts as well as any records pertaining the counterfeit goods and also seek expedited discovery and an evidence preservation order. **It is imperative that the counterfeit sweatshirts and records be preserved or you might be subject to sanctions.** A complete list of the papers you are being served with is attached.

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We ask that you or your attorney please call me as soon as possible at 212-415-8727 to discuss this matter.

Sincerely,



Colin Foley

cc: Hon. Victor Marrero

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Morgan & Finnegan, L.L.P.

(22) Procedures for Electronic Case Filing

(23) Guidelines for Electronic Case Filing

(24) Individual Practices of the Honorable Victor Marerro

(25) Individual Practices of Magistrate Judge Gabriel W. Gorenstein

Exhibit G

Affidavit of Jacob Steven Wharton

ABACUS SECURITY

MATERIAL PREPARED FOR AN ATTORNEY

CASE #: 08-00028

DATE: 01-29-08

CASE NAME: CHAMPION SPORTS

INV: TH

This case was initiated on January 28, 2008 by Colin Foley of Champion Sportswear via phone conversation. The scope of this investigation is to determine if the stores listed below were selling counterfeit Champion Classic Super Hoods.

- 1) Metro Sports, Inc., 3542 Broadway, New York, NY 10031- (Signage=Hot Dot)
The store is located at the Northeast corner of Broadway and 145th Street. The manager is a Middle-eastern male, 6'2, medium build, early 30's. This location was negative for Champion Super Hoods.
- 2) Metro Sports, Inc. 565 West 145th Street, New York, NY, 10031- (Location is east of Hot Dot, No signage and states Metro Sports)
This location was negative for Champion Super Hoods. The owner is a middle-eastern male, slim, 6'0, late 30's. He explained to Investigator TH that he sold out of the Super Hoods and wasn't getting anymore.
- 3) Metro Sports, Inc. 2946 Third Avenue, Bronx, New York, 10455-(Grey Awning that says Sportswear)
This location is on the eastside of 3rd Avenue between 152nd and 153rd Street.
The owner is white male, early 30's, 5'6, medium build and dark brown hair. This location was positive for One Champion Super Hood located inside left, near the ceiling and was hanging from a metal hook. The owner explained to FP that they would not be getting anymore.
- 4) F.T.C. Fashion, 3663 Broadway, New York, NY 10031- (Burgundy Awning)
This location is between 151st and 152nd Street on the Westside of the street. The owner is an African male, 6'1, early 40's, clean-cut, and medium build. This location had 10+ Champion Super Hoods in stock. The items were located on a rack in the middle-front of the store.
- 5) Michael Fashions, Inc., 2936 Third Avenue, Bronx, New York, 10455 (Green Awning)
The store is located on the Northeast corner of East 152nd and Third Avenue.
This location is positive for 50+ Counterfeit Champion Super Hoods. The items were displayed near register at the back of the store. The white male working the store was named Tommy. He was 5'8 and in his early 30's.
- 6) London Boy Sportswear, Ltd., 2908 Third Avenue, Bronx, New York, 10455-(White Awning)
This location was positive for 100+ Counterfeit Champion Super Hoods. The items were located on the inside left wall. A White male in his late 20's, 5'6, was wearing a black scully and sweatshirt. This was the only person in the store when FP shopped it.
- 7) Octane/Trandz N.Y. Corp., 560 Melrose, Bronx, New York, 10455- (Silver Awning)
This location is on the Southeast corner of East 150th Street and Melrose Avenue.
This location is positive for 40+ Counterfeit Champion Super Hoods and the items are on display near the middle of the store. A white male by the name of Ben in his early 30's runs this establishment.

- 8) Flash Sports, Inc., 16 West 125th Street, New York, NY, 10027-(Green Awning)
This location was positive for 10+ Counterfeit Champion Super Hoods with zippers. All were made in Malaysia, however Investigator TH was able to read the Champion name on the drawstring. The store is located between 5th and Lenox Ave. The items were on the first rack; in the front of the store. An African Male, 5'6, in his late 30's, medium build was running the store.

- 9) 104th Street Fashion, Inc., 1887 Third Avenue, New York, NY 10029- (Southern part of the Superstore)
This location was negative for Champion Super Hoods. The owner was an African male in his early 40's.

Exhibit H

Affidavit of Jacob Steven Wharton

ABACUS SECURITY

INTEL REPORT

CASE #: 08-0028

DATE: 3/4/2008

Case Name: Champion Sports - Super Hoods

INV AW

This case was initiated at the request of Colin Foley of the law firm of Morgan & Finnegan.

As previously reported, on January 30, 2008, Investigators WP and HV served various locations with a Summons in a Civil Action – Case Number: 08-CV-0545.

On February 29, 2008, Investigator HV returned to several of the locations. Following is a report on these sites:

1. 104th Street Fashion, Inc., 1887 Third Avenue, New York, NY 10029 – Investigator HV was informed by a dark-skinned male with an African accent, who was behind the register that he was not the owner of 104th Street Fashion, Inc. and that the owner was not present at that time. The individual refused to identify himself to Investigator HV. Investigator HV did not see any product on display and no further information was provided.
2. Flash Sports, 16 West 125th Street, New York, NY 10027 - Investigator HV met with Ibrahim Dotse, the owner of Flash Sports. Mr. Dotse showed Investigator HV the Champion Super Hoods that were on display. Investigator HV determined that the Super Hoods were authentic. Mr. Dotse provided Investigator HV with the following information regarding the source of the Super Hoods: Sports World, Inc., located at 54 Henry Street, Baldwin, MO 63011. Mr. Dotse's contact at Sports World is Jim Lemon, whose telephone number is (636) 230-5004.
3. Metro Sports (Signage "Hot Dot"), 354 Broadway, New York, NY 10031 – Investigator HV was informed by the manager of this location, who identified himself as "Khan", that the owner of the business had left the premises and would not be available until Monday, March 3, 2008. Mr. Khan informed Investigator HV that all Metro Sports, Inc. stores are owned by the same individual. Following are the store locations: 565 West 145th Street, New York, NY 10031; 2946 Third Avenue, Bronx, NY 10455 and 45-13 Greenpoint Avenue, Sunnyside, NY 11104. No further information was provided.
4. F.T.C. Fashion, 3663 Broadway, New York, NY 10013 – Investigator HV arrived at F.T.C. Fashion for a previously arranged 2:00 p.m. meeting with Mohammed Ceesay. Upon his arrival, Investigator HV was informed by a female store clerk, that the owner was not present and would return to the location in one to one and one-half hours. The clerk refused to disclose her name to Investigator HV. No further information was provided.
5. Octane/Trandz N.Y. Corp., 560 Melrose Avenue, Bronx, NY 10455 – Investigator HV met with the store manager, Hassan Ismal who informed him that the store owner was not present at that time. He indicated to Investigator HV that "My brother Jay is the owner". Hassan Ismal permitted Investigator HV to examine the product inside the location.

Investigator HV determined that all the Champion Super Hoods examined were authentic. No further information was provided.

6. London Boy 1027 Southern Boulevard, Bronx, NY 10459 and Michael Fashions, 2936 Third Avenue, Bronx, NY 10455 – Investigator HV met with Ali Khalil, owner of both London Boy and Michael Fashions at the London Boy store location. Mr. Khalil provided samples for Investigator HV's examination. The samples and all additional product was verified to be authentic by Investigator HV. Mr. Khalil declined to disclose his source for the Champion Super Hoods because he felt it would put the source's relationship with Champion at risk. Investigator HV inquired if Mr. Khalil had his own account with Champion and he was informed that Mr. Khalil did not have an account. No further information was provided.

Please feel free to contact Abacus Security with any questions and or comments.

Thank you.

Very truly yours,
Ann Wilson
Abacus Security

Exhibit I

Affidavit of Jacob Steven Wharton

WOMBLE
CARLYLE
SANDRIDGE
& RICE

A PROFESSIONAL LIMITED
LIABILITY COMPANY

One West Fourth Street
Winston-Salem, NC 27101

Telephone: (336) 721-3600
Fax: (336) 721-3660
www.wcsr.com

Michael E. Ray
Direct Dial: (336) 721-3648
Direct Fax: (336) 733-8312
E-mail: mray@wcsr.com

April 11, 2008

VIA FACSIMILE (212) 805-6382

The Honorable Victor Marrero
United States District Court
Southern District of New York
500 Pearl Street, Room 660
New York, New York 10007

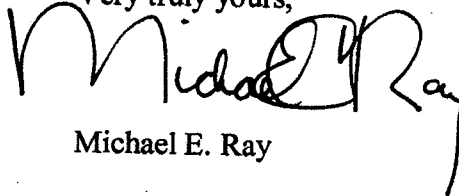
Re: ***Hanesbrands, Inc. et al. v. Metro Sports et al.***, No. 08 Civ. 545 (VM)

Dear Judge Marrero:

Plaintiffs Hanesbrands, Inc. and HBI Branded Apparel Enterprises, LLC ("Plaintiffs") submits this letter pursuant to the Court's Order filed April 10, 2008 directing that Plaintiffs provide by April 15 the status of this matter and Plaintiffs' contemplation with respect to further proceedings in this case.

Plaintiffs intend to fully prosecute this trademark counterfeiting matter. To that end, Plaintiffs sought and obtained a Certificate of Default on March 25, 2008 against the defendants remaining in this matter (enclosed). Plaintiffs are in the process of preparing a motion for default judgment, which will be submitted within the next 10 days for your Honor's consideration. Plaintiffs have repeatedly contacted or attempted to contact defendants, none of which are represented by counsel, to resolve this matter. Some of the defendants have promised, but failed to provide, information that might aid in resolving this matter, and others have not responded at all. Having given the defendants ample opportunity to work with Plaintiffs to resolve this matter, Plaintiffs have no alternative but to seek a default judgment.

Very truly yours,



Michael E. Ray

Enclosure

cc: Defendants as set forth on the attached Certificate of Service

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has this day caused a copy of the foregoing Letter to the Honorable Victor Marrero to be served by First Class Mail upon the Defendants at the locations set forth below, constituting the last known mailing of defendants:

Metro Sports
3542 Broadway
New York, NY 10031
(Signage = Hot Dot)

London Boy Sportswear, Ltd.
2908 Third Avenue
Bronx, NY 10455
(Signage = London Boy)

Metro Sports
565 145th Street
New York, NY 10031
(No Signage)

London Boy Sportswear, Ltd.
1027 Southern Blvd
Bronx, NY 10459

Metro Sports
2946 Third Avenue
Bronx, New York 10455
(Signage = Sportswear)

104th Street Fashion Inc.
1887 Third Avenue
New York, NY 10029

F.T.C. Fashion
3663 Broadway
New York, NY 10031
(Signage = F.T.C. Fashion)

Trandz N.Y. Corp.
560 Melrose Avenue
Bronx, NY 10455
(Signage = Octane)

Michael Fashions, Inc.
2936 Third Avenue
Bronx, NY 10455
(Signage = Michael Fashion)

Octane N.Y. Corp.
560 Melrose Avenue
Bronx, NY 10455
(Signage = Octane)

Flash Sports, Inc.
16 West 125th Street
New York, NY 10027
(Signage = Flash Sports)

Dated: April 11, 2008

/s/ Jacob Steven Wharton
Jacob Steven Wharton

Metro Sports 3542 Broadway New York, NY 10031 (Signage = Hot Dot)	London Boy Sportswear, Ltd. 2908 Third Avenue Bronx, NY 10455 (Signage = London Boy)
Metro Sports 565 145th Street New York, NY 10031 (No Signage)	London Boy Sportswear, Ltd. 1027 Southern Blvd Bronx, NY 10459
Metro Sports 2946 Third Avenue Bronx, New York 10455 (Signage = Sportswear)	104th Street Fashion Inc. 1887 Third Avenue New York, NY 10029
F.T.C. Fashion 3663 Broadway New York, NY 10031 (Signage = F.T.C. Fashion)	Trandz N.Y. Corp. 560 Melrose Avenue Bronx, NY 10455 (Signage = Octane)
Michael Fashions, Inc. 2936 Third Avenue Bronx, NY 10455 (Signage = Michael Fashion)	Octane N.Y. Corp. 560 Melrose Avenue Bronx, NY 10455 (Signage = Octane)
Flash Sports, Inc. 16 West 125th Street New York, NY 10027 (Signage = Flash Sports)	

Proof of such service thereof was filed on **February 11 and February 28, 2008.**

I further certify that the docket entries indicate that the defendant has not filed an answer or otherwise moved with respect to the complaint herein. The default of the defendants is hereby noted.

Dated: New York, New York

3/25/08

J. MICHAEL MCMAHON
Clerk of the Court

By: _____



Deputy Clerk

Exhibit J

Affidavit of Jacob Steven Wharton

IN ACCOUNT WITH
MORGAN & FINNEGAN, L.L.P.
A Registered Limited Liability Partnership

THREE WORLD FINANCIAL CENTER
NEW YORK, NEW YORK 10281-2101

(212) 415-8700
FACSIMILE: (212) 415-8701
www.morganfinnegan.com

I.D. 13.5257130

January 10, 2008

Invoice Number: 269067
File Number: 04986-0001

Hanesbrands, Inc., c/o Womble Carlyle
One West Fourth Street
Winston-Salem, NC 27101

For Professional Services Rendered Through December 31, 2007

RE: Hanesbrands Champion Super Hood Sweatshirts
trademark litigation - act as local counsel

12/11/07	GAH	Prepared email to co-counsel re Southern District of NY court schedules.	0.50 Hrs.
12/12/07	CF	Office conference with Mr. Hadad re case background and review of complaint and TRO/PI papers.	0.25 Hrs.
12/14/07	CF	Telephone conferences courts and research re possible venue issues in filing in the SDNY.	0.50 Hrs.
12/15/07	CF	Review complaint, brief in support of PI and TRO and expedited discovery; draft reporting email to Mr. Hadad re same; research re procedures for moving for ex parte relief.	4.50 Hrs.
12/17/07	GAH	Conferred with C. Foley and co-counsel re jurisdiction over defendants in SDNY vs. EDNY and related procedures.	0.50 Hrs.
12/18/07	CF	Review proposed order.	0.50 Hrs.
12/27/07	CF	Telephone conference with Mr. Wharton re comments on complaint and PI/TRO papers; research	3.50 Hrs.

Hanesbrands, Inc., c/o Womble Carlyle
Bill Number: 269067

Page 2
January 10, 2008

re same; prepare for same.

12/31/07 GAH Reviewed papers for PI. 0.50 Hrs.

Total Services \$4,456.25

Summary of Services

		<u>Hours</u>	<u>Rate</u>	<u>Value</u>
GAH	Haddad, Gerard	1.50	535.00	802.50
CF	Foley, Colin	9.25	395.00	3,653.75
		<u>10.75</u>		<u>\$4,456.25</u>

Total Due this Invoice \$4,456.25

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NEW YORK, NEW YORK 10281-2101

(212) 415-8700

FACSIMILE: (212) 415-8701

www.morganfinnegan.com

I.D. 13.5257130

February 11, 2008

Invoice Number: 270740

File Number: 04986-0001

Hanesbrands, Inc., c/o Womble Carlyle
One West Fourth Street
Winston-Salem, NC 27101

For Professional Services Rendered Through January 31, 2008

RE: Hanesbrands Champion Super Hood Sweatshirts
trademark litigation - act as local counsel

01/04/08	CF	Telephone conference with Mr. Wharton re case status.	0.25 Hrs.
01/16/08	CF	Research re US Marshall seizure procedures; research re ex parte TRO and seizure procedures.	1.00 Hrs.
01/17/08	CF	Telephone conferences with Mr. Wharton and Mr. Martinez re execution of affidavits; email correspondence with Mr. Wharton and Mr. Martinez re same; review affidavits; review changes to same; research re US Marshall seizure procedures.	1.50 Hrs.
01/18/08	CF	Contact US Marshalls office re seizure requirements; review written instructions from office re same; prepare required seizure forms from the US Marshall's office; telephone conference with Mr. Wharton re same; email correspondence with Mr. Wharton re same; coordinate re delivery and execution of investigator affidavits;	4.50 Hrs.
01/18/08	RR	Copying the complaint, TRO motion papers, expedited discovery motion papers, and affidavits for subsequent filing.	3.00 Hrs.

Hanesbrands, Inc., c/o Womble Carlyle
Bill Number: 270740

Page 2
February 11, 2008

01/21/08	CF	Review and prepare motions for TRO, PI, expedited discovery, secrecy order; motion for preservation and complaint for filing; prepare for possible oral argument with Court; telephone conferences with Mr. Wharton re same; email correspondence with Mr. Wharton re same.	9.50 Hrs.
01/22/08	DRV	Prepare ex parte motions; appear in SDNY to file and argue ex parte motions	8.50 Hrs.
01/22/08	CF	Prepare for hearing on ex parte motion for TRO/PI and seizure order; argue same; review and prepare briefs and supporting affidavits re same; telephone conference with Mr. Wharton re same.	9.25 Hrs.
01/22/08	RR	Copying the complaint, TRO motion papers, discovery motion papers, and affidavits for subsequent filing; filing these documents at SDNY.	7.00 Hrs.
01/23/08	GAH	Conferred with team re how to proceed after judge declined ex parte motions.	1.00 Hrs.
01/23/08	DRV	Draft motion for reconsideration re seizure order	4.25 Hrs.
01/23/08	CF	Draft motion for reconsideration of ex parte seizure order and secrecy order; research re same; research re filing and service requirements for TRO/PI; telephone conferences with Mr. Wharton and Mr. Ray re same; review revised TRO and PI papers.	13.00 Hrs.
01/23/08	RR	Preparing summonses to serve on all the defendants.	2.00 Hrs.
01/23/08	CH	Conduct research to obtain biographical and judicial information for Judge Victor Marrero.	0.50 Hrs.
01/24/08	CF	Edit and Prepare revised TRO/ PI papers and expedited discovery papers for filing with the Court; research re same; office conferences with Mr. Haddad re same; telephone conferences with Mr. Wharton re same; review and edit motion for reconsideration of denial of ex parte seizure order.	8.50 Hrs.
01/24/08	RR	Copying motion for reconsideration of the TRO papers.	2.00 Hrs.
01/24/08	ETM	Searching for and purchasing packaging material for sending Champion logo apparel to Court	3.00 Hrs.

Hanesbrands, Inc., c/o Womble Carlyle
Bill Number: 270740

Page 3
February 11, 2008

01/25/08	GAH	Prepared for and attended Court re motion for reconsideration on ex parte seizure order. Conf calls with Womble Carlyle reporting results and analyzing possible next steps.	3.50 Hrs.
01/25/08	CF	Prepare TRO and PI papers for filing with court; prepare for possible argument on ex parte motion for reconsideration of seizure order; go to Court and argue motion for ex parte reconsideration of seizure order; telephone conferences with Messrs. Wharton and Ray re same; electronically file complaint and Rule 7.1 statement; office conference with private investigator re investigation of defendants stores prior to service of complaint; office conferences with Mr. Wharton re same; office conference with legal assistant re preparation of TRO and PI papers for service early in the week.	7.50 Hrs.
01/25/08	ETM	Purchasing packaging materials for submission of Champion logo apparel to Court	2.00 Hrs.
01/27/08	CF	Review revised TRO/PI and expedited discovery motion papers; edit same; review summons; prepare certificates of service.	2.50 Hrs.
01/28/08	DRV	Legal research re service of process	0.50 Hrs.
01/28/08	CF	Review and edit revised pleadings; legal and factual research re service of process on defendants at retail locations; telephone conference with Mr. re in store investigations and service of process on defendants; telephone conference with Mr. Wharton re same.	5.50 Hrs.
01/28/08	RR	Copying multiple sets of the complaint, TRO motion papers, expedited discovery motion papers, and affidavits for subsequent filing for serving the defendants.	9.00 Hrs.
01/29/08	CF	Office conferences with Mr. re nature of the counterfeit sweatshirt product; telephone conferences with investigator re same and results of the investigation; review investigator report; draft report to Mr. Wharton re same; review prepare TRO/PI and expedited discovery papers for service.	4.00 Hrs.
01/29/08	GMS	Delivered documents to process server	2.00 Hrs.

Hanesbrands, Inc., c/o Womble Carlyle
Bill Number: 270740

Page 4
February 11, 2008

01/29/08	RR	Copying the complaint, TRO motion papers, expedited discovery motion papers, and affidavits for subsequent filing for service on the defendants; delivered these documents to the process server.	7.00 Hrs.
01/30/08	CF	Telephone conferences with process server re service of Complaint, TRO and PI papers; telephone conference with representative for one defendant re settlement; telephone conference with Mr. Wharton re same; office conference with Mr. Haddad re same; draft report re same.	1.50 Hrs.
01/31/08	CF	Prepare TRO/PI papers for ECF filing; office conferences with legal assistant re same; review requirements re same; prepare Wharton and Ray pro hac vice motions for filing office conferences with paralegal re same; telephone conference with Metro Sports re his assertion that he is not the correct party; office conferences with Mr. Haddad re same; draft email correspondence to Mr. Wharton re same; telephone conferences with Mr. Wharton re same and strategy.	5.50 Hrs.
01/31/08	RR	Prepared motion for pro hac vice of Wharton and Ray for filing in SDNY; made courtesy copy sets of documents to go to Judge Marrero's chambers.	9.00 Hrs.

Total Services

\$45,646.25

Summary of Services

		<u>Hours</u>	<u>Rate</u>	<u>Value</u>
GAH	Haddad, Gerard	4.50	575.00	2,587.50
DRV	Tully, Danielle V.	13.25	385.00	5,101.25
CF	Foley, Colin	74.00	425.00	31,450.00
GMS	Scott, Geoffery M.	2.00	150.00	300.00
RR	Robalino, Remy	39.00	140.00	5,460.00
ETM	Ma, Eric T	5.00	140.00	700.00
CH	Hoffman, Clifford	0.50	95.00	47.50
		<u>138.25</u>		<u>\$45,646.25</u>

Disbursements

Photocopies	\$1,608.60
Telecommunications	\$454.84
Computerized Legal Rsch -	\$333.84

Hanesbrands, Inc., c/o Womble Carlyle
Bill Number: 270740

Page 5
February 11, 2008

Lexis

Fees - Miscellaneous	01/22/08	VENDOR: CLERK OF COURT - SDNY; INVOICE#: 012208; DATE: 1/22/2008 - MOTION FOR PRO HAC VICE ADMISSION OF JAKE WHATRON	25.00	
	01/22/08	VENDOR: CLERK OF COURT - SDNY; INVOICE#: 012208A; DATE: 1/22/2008 - NEW ACTION	350.00	
	01/22/08	VENDOR: CLERK OF COURT - SDNY; INVOICE#: 012208B; DATE: 1/22/2008 - MOTION FOR PRO HAC VICE ADMISSION OF MIKE RAY	25.00	
				\$400.00
Total Disbursements				\$2,797.28
Total Due this Invoice				\$48,443.53

IN ACCOUNT WITH

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NEW YORK, NEW YORK 10281-2101

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I.D. 13.5257130

March 12, 2008

Invoice Number: 272002

File Number: 04986-0001

Hanesbrands, Inc., c/o Womble Carlyle
One West Fourth Street
Winston-Salem, NC 27101

For Professional Services Rendered Through February 29, 2008

RE: Hanesbrands Champion Super Hood Sweatshirts
trademark litigation - act as local counsel

02/04/08	CF	Telephone conferences with Mr. Wharton re service and filing of papers and responses from defendants served.	0.75 Hrs.
02/05/08	CF	Prepare revised Complaint and PI papers and declarations to serve on defendants; review and edit same; draft cover letter to defendants re same; office conferences with legal assistant re service of same; efile same. telephone conferences with Mr. Wharton re same.	8.00 Hrs.
02/06/08	GAH	Analyzed and revised letter to defendants.	0.50 Hrs.
02/06/08	CF	Prepare notice of dismissal of Metro Sports, Inc. for filing; edit same; draft cover letter to Metro Sports re same; prepare additional ; prepare revised Compliant and PI papers and declarations to serve on defendants.	5.75 Hrs.
02/06/08	RR	Preparing TRO, motion to amend complaint, and motion for expedited discovery to file with the SDNY and serve on the parties.	7.00 Hrs.

Hanesbrands, Inc., c/o Womble Carlyle
Bill Number: 272002

Page 2
March 12, 2008

02/11/08	CF	File affidavits of service; research re same; office conferences with legal assistant re same	1.50 Hrs.
02/13/08	CF	Review and edit orders to send to orders and judgments clerk; send same; office conference with Clerk's office re same.	0.50 Hrs.
02/14/08	CF	Research re NYS state law claims.	0.50 Hrs.
02/15/08	CF	Telephone conference with Mr. Wharton re investigation and case strategy; prepare for same.	0.50 Hrs.
02/19/08	CF	Research re procedure for filing multiple return of service affidavits of the complaint for Metro Sports; review local rules and ECF rules same.	0.50 Hrs.
02/28/08	CF	File returns of service; research re same; draft email to Mr. Wharton re possibly letter to the judge and case strategy.	2.00 Hrs.

Total Services **\$9,767.50**

Summary of Services

		<u>Hours</u>	<u>Rate</u>	<u>Value</u>
GAH	Haddad, Gerard	0.50	575.00	287.50
CF	Foley, Colin	20.00	425.00	8,500.00
RR	Robalino, Remy	7.00	140.00	980.00
		27.50		\$9,767.50

Disbursements

Photocopies \$790.60

Telecommunications \$106.63

Reproduction Services - Outside	01/29/08	VENDOR: DTI Skyline; INVOICE#: 377379; DATE: 1/29/2008	285.91	
	01/30/08	VENDOR: DTI Skyline; INVOICE#: 378142; DATE: 1/30/2008	638.87	
				\$924.78
Courier Service	02/06/08	VENDOR: FEDERAL EXPRESS CORP INVOICE#: 253916413 DATE: 2/15/2008 To: MS DOUEL OH, METIN	14.18	

Hanesbrands, Inc., c/o Womble Carlyle
Bill Number: 272002

Page 3
March 12, 2008

		SPORTS INC, 45-13 GREENPORT AVE, , SUNNYSIDE, NY 11104Tracking # 863139524364		
	02/07/08	VENDOR: FEDERAL EXPRESS CORP INVOICE#: 253916413 DATE: 2/15/2008 To: Jacob S. Wharton, , , , , Tracking # 626688442178	42.78	
Messenger and Delivery Service	02/01/08	VENDOR: N.Y. MINUTE MESSENGER; INVOICE#: 23091; DATE: 2/1/2008	8.75	\$56.96
Legal Staff Car Fare	01/31/08	VENDOR: PETTY CASH; INVOICE#: 020808; DATE: 2/8/2008 - REIMBURSEMENT OF PETTY CASH	101.00	\$8.75
Legal Staff - Meal Expense	01/31/08	VENDOR: PETTY CASH; INVOICE#: 020808; DATE: 2/8/2008 - REIMBURSEMENT OF PETTY CASH	14.85	\$101.00
Car Service	01/22/08	500 PEARL ST 14:12,1300133	38.76	\$14.85
	01/29/08	441 BAYCHESTER AVE 16:16,1301434	79.05	
Miscellaneous	01/25/08	VENDOR: PETTY CASH; INVOICE#: 020808; DATE: 2/8/2008 - REIMBURSEMENT OF PETTY CASH	34.55	\$117.81
				\$34.55
Total Disbursements				\$2,155.93
Total Due this Invoice				\$11,923.43

REVISED INVOICE REPLACES INVOICE # 273381
IN ACCOUNT WITH**MORGAN & FINNEGAN, L.L.P.**

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THREE WORLD FINANCIAL CENTER
NEW YORK, NEW YORK 10281-2101(212) 415-8700
FACSIMILE: (212) 415-8701
www.morganfinnegan.com

I.D. 13.5257130

April 8, 2008

Invoice Number: 274088
File Number: 04986-0001Hanesbrands, Inc., c/o Womble Carlyle
One West Fourth Street
Winston-Salem, NC 27101

For Professional Services Rendered Through March 31, 2008RE: Hanesbrands Champion Super Hood Sweatshirts
trademark litigation - act as local counsel

03/13/08	DRV	Review pleading in anticipation of filing for default judgment.	1.50 Hrs.
03/24/08	DRV	Research re obtaining default judgment in SDNY	2.50 Hrs.
03/24/08	CF	Research re preparation of certificate of default and process of moving for default judgment in the SDNY; review local rules and judge's rules same; call clerk's office re same; review and edit Mr. Wharton's papers re same.	3.25 Hrs.
03/25/08	DRV	Preparation for and obtain default judgment.	3.00 Hrs.
03/25/08	CF	Research re preparation of certificate of default; prepare same; personally submit to clerk's office for review and signature; telephone conference with Mr. Wharton re same.	3.50 Hrs.
03/26/08	CF	Office conference with Mr. Robolino re preparation of certificate of service for certificate of default; review same.	0.50 Hrs.
03/26/08	RR	Generated a Certificate of Service for Notice of Default and served the same.	1.00 Hrs.

Hanesbrands, Inc., c/o Womble Carlyle

Page 2

Bill Number: 274088

April 8, 2008

Total Services**\$5,916.25****Summary of Services**

		<u>Hours</u>	<u>Rate</u>	<u>Value</u>
DRV	Tully, Danielle V.	7.00	385.00	2,695.00
CF	Foley, Colin	7.25	425.00	3,081.25
RR	Robalino, Remy	1.00	140.00	140.00
		<u>15.25</u>		<u>\$5,916.25</u>

Disbursements

Photocopies

\$28.80

Total Disbursements**\$28.80****Total Due this Invoice****\$5,945.05**

Exhibit K

Affidavit of Jacob Steven Wharton

WOMBLE CARLYLE SANDRIDGE & RICE

A PROFESSIONAL LIMITED LIABILITY COMPANY

ONE WEST FOURTH STREET
WINSTON-SALEM, NORTH CAROLINA 27101
TELEPHONE (336) 721-3600
FACSIMILE (336) 721-3660

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RALEIGH, NC
RESEARCH TRIANGLE PARK, NC
TYSONS CORNER, VA
WASHINGTON, D.C.
WILMINGTON, DE

June 14, 2007
Matter Number 04003.0067.4
Invoice Number 1535717
STATEMENT FOR SERVICES RENDERED

Warren L. Zeserman, Esquire
Hanesbrands: Champion Athleticwear
c/o Hanesbrands Inc. - IP Law Dept.
P.O. Box 825
Rural Hall, NC 27045

RE: Investigation of Counterfeit SUPER HOOD Sweatshirts

FOR PROFESSIONAL SERVICES RENDERED THRU 05/31/2007	\$498.00
LESS DISCOUNTED HOURLY RATES	- 49.80
	<hr/>
	\$448.20
LESS 5% DISCOUNT	- 22.41
	<hr/>
TOTAL FEES	\$425.79
DISBURSEMENTS THRU 05/31/2007	\$0.00
	<hr/>
CURRENT TOTAL	\$425.79

If paying by check , please remit payment on receipt to the following address:	If paying by wire , please remit payment on receipt as follows:	
<p>PO Box 601879 Charlotte, North Carolina 28260-1879</p> <p>PLEASE RETURN THIS PAGE WITH PAYMENT</p> <p>Please do not use the above address for trust funds or retainer payments. Please send all trust funds and retainer payments directly to One West Fourth Street, Winston-Salem, NC 27101.</p>	<p>Wachovia Bank, N.A. 1525 W.T. Harris Blvd. Charlotte, NC 28288 ABA no. 053000219 Swift Code: PNBPU33</p>	<p><u>For Credit To:</u> Womble Carlyle Sandridge & Rice, PLLC One West Fourth Street Winston-Salem, NC 27101 Account no. 2087311040408</p>
<p align="center">Tax Identification Number 56-0308470</p>		

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June 14, 2007
Matter Number 04003.0067.4
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Rural Hall, NC 27045

RE: Investigation of Counterfeit SUPER HOOD Sweatshirts

FOR PROFESSIONAL SERVICES RENDERED THRU 05/31/2007	\$498.00
LESS DISCOUNTED HOURLY RATES	- 49.80
	<hr/>
	\$448.20
LESS 5% DISCOUNT	- 22.41
	<hr/>
TOTAL FEES	\$425.79
DISBURSEMENTS THRU 05/31/2007	\$0.00
	<hr/>
CURRENT TOTAL	\$425.79

ITEMIZED SERVICES BILL

Date:	Description:	Attorney:	Hours:
04/11/2007	Conference with MMCA-Group regarding New York City SUPER HOOD counterfeit product	Springer, Randel S.	0.60
04/18/2007	E-mail correspondence to Rob Puglisi regarding counterfeit SUPER HOOD product	Springer, Randel S.	0.30
04/25/2007	E-mail correspondence from Tom Byrne regarding investigation of counterfeit SUPER HOOD apparel in New York City	Springer, Randel S.	0.30

Total for Services:	<u>\$ 448.20</u>
----------------------------	------------------

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1535717

ATTORNEY SUMMARY

Attorney:	Hours:	Amount:	Discounted Rate:	Standard Amount:	Standard Rate:
Springer, Randel S.	1.20	\$ 448.20	\$ 373.50	\$ 498.00	\$ 415.00
Totals:	<u>1.20</u>	<u>\$ 448.20</u>		<u>\$ 498.00</u>	

CLIENT BILLING SUMMARY

Year-to-Date Fees:	\$ 425.79
Year-To-Date Expenses:	\$ 0.00
Year-To-Date Fees and Expenses:	<u>\$ 425.79</u>
 Fiscal Year-to-Date Fees:	 \$ 425.79
Fiscal Year-to-Date Expenses:	\$ 0.00
Fiscal Year-to-Date Fees and Expenses:	<u>\$ 425.79</u>
 Case-to-Date Fees:	 \$ 425.79
Case-to-Date Expenses:	\$ 0.00
Case-to-Date Fees and Expenses:	<u>\$ 425.79</u>

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 WASHINGTON, D.C.
 WILMINGTON, DE

September 17, 2007
 Matter Number 04003.0067.4
 Invoice Number 1553784
 STATEMENT FOR SERVICES RENDERED

Warren L. Zeserman, Esquire
 Hanesbrands: Champion Athleticwear
 c/o Hanesbrands Inc. - IP Law Dept.
 P.O. Box 825
 Rural Hall, NC 27045

RE: Investigation of Counterfeit SUPER HOOD Sweatshirts

DISBURSEMENTS THRU 08/31/2007 \$2,249.20

CURRENT TOTAL **\$2,249.20**

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Tax Identification Number 56-0308470		

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September 17, 2007
Matter Number 04003.0067.4
Invoice Number 1553784
STATEMENT FOR SERVICES RENDERED

Warren L. Zeserman, Esquire
Hanesbrands: Champion Athleticwear
c/o Hanesbrands Inc. - IP Law Dept.
P.O. Box 825
Rural Hall, NC 27045

RE: Investigation of Counterfeit SUPER HOOD Sweatshirts

DISBURSEMENTS THRU 08/31/2007 \$2,249.20

CURRENT TOTAL **\$2,249.20**

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1553784

DISBURSEMENTS AND OTHER CHARGES

Date:	Description:	Amount:
Aug 8, 2007	Investigative Report/Photos MMCA Group, Ltd. - Services regarding Superhoodie Matter in NYC	\$ 2,249.20
Total Disbursements:		\$ 2,249.20

Any disbursement appearing on our statements as Business Meals and Entertainment is stated at cost. The Revenue Reconciliation Act of 1993 reduced the deductibility of these expenses to you from 80% to 50%. We maintain the supporting documentation for these costs and will make the documentation available to you upon request.

CLIENT BILLING SUMMARY

Year-to-Date Fees:	\$ 425.79
Year-To-Date Expenses:	\$ 2,249.20
Year-To-Date Fees and Expenses:	<u>\$ 2,674.99</u>
Fiscal Year-to-Date Fees:	\$ 425.79
Fiscal Year-to-Date Expenses:	\$ 2,249.20
Fiscal Year-to-Date Fees and Expenses:	<u>\$ 2,674.99</u>
Case-to-Date Fees:	\$ 425.79
Case-to-Date Expenses:	\$ 2,249.20
Case-to-Date Fees and Expenses:	<u>\$ 2,674.99</u>

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October 18, 2007
 Matter Number 04003.0067.4
 Invoice Number 1560258
 STATEMENT FOR SERVICES RENDERED

Warren L. Zeserman, Esquire
 Hanesbrands: Champion Athleticwear
 c/o Hanesbrands Inc. - IP Law Dept.
 P.O. Box 825
 Rural Hall, NC 27045

RE: Investigation of Counterfeit SUPER HOOD Sweatshirts

FOR PROFESSIONAL SERVICES RENDERED THRU 09/30/2007	209.50
LESS DISCOUNT	- 20.95

TOTAL FEES	\$188.55
DISBURSEMENTS THRU 09/30/2007	\$0.00

CURRENT TOTAL	\$188.55
----------------------	-----------------

<u>OUTSTANDING RECEIVABLES AS OF October 18, 2007</u>	
BILL NO. 1553784 09/17/2007	\$2,249.20

TOTAL BALANCE DUE	\$2,437.75
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Tax Identification Number 56-0308470		

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October 18, 2007
Matter Number 04003.0067.4
Invoice Number 1560258
STATEMENT FOR SERVICES RENDERED

Warren L. Zeserman, Esquire
Hanesbrands: Champion Athleticwear
c/o Hanesbrands Inc. - IP Law Dept.
P.O. Box 825
Rural Hall, NC 27045

RE: Investigation of Counterfeit SUPER HOOD Sweatshirts

FOR PROFESSIONAL SERVICES RENDERED THRU 09/30/2007	209.50
LESS DISCOUNT	- 20.95
TOTAL FEES	\$188.55
DISBURSEMENTS THRU 09/30/2007	\$0.00
CURRENT TOTAL	<u>\$188.55</u>

OUTSTANDING RECEIVABLES AS OF October 18, 2007	
BILL NO. 1553784 09/17/2007	<u>\$2,249.20</u>
TOTAL BALANCE DUE	<u>\$2,437.75</u>

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1560258

ITEMIZED SERVICES BILL

Date:	Description:	Attorney:	Hours:	Amount:
09/06/2007	Confer with Randy Springer regarding trademark matters related to unauthorized sale of licensee merchandise by foreclosing party	Keefe, Sarah A.	0.20	\$ 85.00
09/07/2007	Conference with Warren Zeserman regarding next steps in connection with investigating potential counterfeit of SUPER HOOD apparel	Springer, Randel S.	0.30	\$ 124.50
Total for Services:				<u>\$ 209.50</u>

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1560258

ATTORNEY SUMMARY

Attorney:	Hours:	Amount:	Discounted Rate:	Standard Amount:	Standard Rate:
Springer, Randel S.	0.30	\$ 112.05	\$ 373.50	\$ 124.50	\$ 415.00
Keefe, Sarah A.	0.20	\$ 76.50	\$ 382.50	\$ 85.00	\$ 425.00
Totals:	<u>0.50</u>	<u>\$ 188.55</u>		<u>\$ 209.50</u>	

CLIENT BILLING SUMMARY

Year-to-Date Fees:	\$ 614.34
Year-To-Date Expenses:	\$ 2,249.20
Year-To-Date Fees and Expenses:	<u>\$ 2,863.54</u>
Fiscal Year-to-Date Fees:	\$ 614.34
Fiscal Year-to-Date Expenses:	\$ 2,249.20
Fiscal Year-to-Date Fees and Expenses:	<u>\$ 2,863.54</u>
Case-to-Date Fees:	\$ 614.34
Case-to-Date Expenses:	\$ 2,249.20
Case-to-Date Fees and Expenses:	<u>\$ 2,863.54</u>

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WASHINGTON, D.C.
WILMINGTON, DE

November 20, 2007
Matter Number 04003.0067.4
Invoice Number 1566508
STATEMENT FOR SERVICES RENDERED

Warren L. Zeserman, Esquire
Hanesbrands: Champion Athleticwear
c/o Hanesbrands Inc. - IP Law Dept.
P.O. Box 825
Rural Hall, NC 27045

RE: Investigation of Counterfeit SUPER HOOD Sweatshirts

FOR PROFESSIONAL SERVICES RENDERED THRU 10/31/2007	768.50
LESS DISCOUNT	- 76.85
TOTAL FEES	\$691.65
DISBURSEMENTS THRU 10/31/2007	\$0.00
CURRENT TOTAL	\$691.65

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November 20, 2007
Matter Number 04003.0067.4
Invoice Number 1566508
STATEMENT FOR SERVICES RENDERED

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c/o Hanesbrands Inc. - IP Law Dept.
P.O. Box 825
Rural Hall, NC 27045

RE: Investigation of Counterfeit SUPER HOOD Sweatshirts

FOR PROFESSIONAL SERVICES RENDERED THRU 10/31/2007	768.50
LESS DISCOUNT	- 76.85
TOTAL FEES	\$691.65
DISBURSEMENTS THRU 10/31/2007	\$0.00
CURRENT TOTAL	<u>\$691.65</u>

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1566508

ITEMIZED SERVICES BILL

Date:	Description:	Attorney:	Hours:	Amount:
10/29/2007	Telephone conference with Warren Zeserman regarding counterfeit SUPER HOODS; discuss with Mike Ray	Springer, Randel S.	0.60	\$ 261.00
10/30/2007	Conference with Mike Ray regarding preparation for counterfeiting claim in New York City; discuss with Warren Zeserman	Springer, Randel S.	0.60	\$ 261.00
10/30/2007	Review possible causes of action and plan for filing complaint and motion for preliminary injunction and discuss the same with Mike Ray	Wharton, Jacob S.	0.40	\$ 116.00
10/31/2007	Prepare for meeting with Warren Zeserman regarding possible litigation against retailer selling counterfeit goods in New York City	Springer, Randel S.	0.30	\$ 130.50
Total for Services:				<u>\$ 768.50</u>

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1566508

ATTORNEY SUMMARY

Attorney:	Hours:	Amount:	Discounted Rate:	Standard Amount:	Standard Rate:
Springer, Randel S.	1.50	\$ 587.25	\$ 391.50	\$ 652.50	\$ 435.00
Wharton, Jacob S.	0.40	\$ 104.40	\$ 261.00	\$ 116.00	\$ 290.00
Totals:	<u>1.90</u>	<u>\$ 691.65</u>		<u>\$ 768.50</u>	

CLIENT BILLING SUMMARY

Year-to-Date Fees:	\$ 1,305.99
Year-To-Date Expenses:	\$ 2,249.20
Year-To-Date Fees and Expenses:	<u>\$ 3,555.19</u>
 Fiscal Year-to-Date Fees:	 \$ 1,305.99
Fiscal Year-to-Date Expenses:	\$ 2,249.20
Fiscal Year-to-Date Fees and Expenses:	<u>\$ 3,555.19</u>
 Case-to-Date Fees:	 \$ 1,305.99
Case-to-Date Expenses:	\$ 2,249.20
Case-to-Date Fees and Expenses:	<u>\$ 3,555.19</u>

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 WILMINGTON, DE

December 21, 2007
 Matter Number 04003.0067.4
 Invoice Number 1573075
 STATEMENT FOR SERVICES RENDERED

Warren L. Zeserman, Esquire
 Hanesbrands: Champion Athleticwear
 c/o Hanesbrands Inc. - IP Law Dept.
 P.O. Box 825
 Rural Hall, NC 27045

RE: Investigation of Counterfeit SUPER HOOD Sweatshirts

FOR PROFESSIONAL SERVICES RENDERED THRU 11/30/2007	12,124.94
LESS DISCOUNT	- 1,212.49
TOTAL FEES	\$10,912.45
DISBURSEMENTS THRU 11/30/2007	\$32.28
CURRENT TOTAL	\$10,944.73

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Tax Identification Number 56-0308470		

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WILMINGTON, DE

December 21, 2007
Matter Number 04003.0067.4
Invoice Number 1573075
STATEMENT FOR SERVICES RENDERED

Warren L. Zeserman, Esquire
Hanesbrands: Champion Athleticwear
c/o Hanesbrands Inc. - IP Law Dept.
P.O. Box 825
Rural Hall, NC 27045

RE: Investigation of Counterfeit SUPER HOOD Sweatshirts

FOR PROFESSIONAL SERVICES RENDERED THRU 11/30/2007	12,124.94
LESS DISCOUNT	<u>- 1,212.49</u>
TOTAL FEES	\$10,912.45
DISBURSEMENTS THRU 11/30/2007	<u>\$32.28</u>
CURRENT TOTAL	<u>\$10,944.73</u>

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1573075

ITEMIZED SERVICES BILL

Date:	Description:	Attorney:	Hours:	Amount:
11/01/2007	Meet with Randy Springer to discuss background of investigation of counterfeiting of Super Hood; conference with Warren Zeserman and Randy Springer and call to Manny Menendez during meeting to arrange for purchases and further investigation	Ray, Michael E.	1.80	\$ 1,080.00
11/01/2007	Conference with Warren Zeserman and Mike Ray regarding potential litigation to address New York City counterfeiting of SUPER HOOD product	Springer, Randel S.	0.80	\$ 348.00
11/02/2007	Draft memo to Warren Zeserman; conference with Jake Wharton regarding same; e-mail to Randy Springer for additions; e-mail to Warren Zeserman with memo recommending plan	Ray, Michael E.	2.60	\$ 1,560.00
11/02/2007	Review and provides comments on memorandum regarding proposed course of action to HBI	Wharton, Jacob S.	0.30	\$ 87.00
11/03/2007	Research recording registered trademarks with U.S. Customs and Border Protection to stop importation of counterfeit goods	Wharton, Jacob S.	0.50	\$ 145.00
11/05/2007	Review and print recent communication from Mike Ray regarding recommended plan	Sharpe, Victoria A*	0.10	\$ 18.00
11/06/2007	Meet with Warren Zeserman to review counterfeit Hoodies received from New York	Ray, Michael E.	0.50	\$ 300.00
11/06/2007	Review counterfeit SUPER HOOD products with Warren Zeserman	Springer, Randel S.	0.30	\$ 130.50
11/07/2007	Consider evidence needed for complaint and request for expedited relief and discuss same with Mike Ray	Wharton, Jacob S.	0.10	\$ 29.00
11/08/2007	Conference with paralegal regarding obtaining previous complaints and motions for seizure and ex parte temporary restraining order in the Southern District of New York	Wharton, Jacob S.	0.20	\$ 58.00
11/08/2007	Conference with Jake Wharton regarding research; perform research of prior legal documents	Sharpe, Victoria A*	0.60	\$ 108.00
11/14/2007	Review additional counterfeit sweatshirts from investigators	Wharton, Jacob S.	0.20	\$ 58.00
11/19/2007	E-mail from and e-mail to Warren Zeserman giving authority to proceed with matter	Ray, Michael E.	0.30	\$ 180.00

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1573075

ITEMIZED SERVICES BILL

11/19/2007	Review email from Warren Zeserman regarding obtaining counterfeit goods in New York City; draft email to Mike Ray regarding proposed plan for obtaining counterfeit goods, declarations, and pleadings to prepare	Wharton, Jacob S.	0.40	\$ 116.00
11/20/2007	E-mail to and e-mail from Warren Zeserman with recommended plan	Ray, Michael E.	0.80	\$ 480.00
11/26/2007	E-mail from Jake Wharton; e-mail to and e-mail from Warren Zeserman regarding additional information on sales of Super Hoods; e-mail from Warren Zeserman with e-mail from Manny Martinez; telephone conference with Warren Zeserman and Randy Springer; e-mail from Jake Wharton with draft declarations	Ray, Michael E.	1.60	\$ 960.00
11/26/2007	Draft generic declarations for agents purchasing counterfeit goods and declarations from Manny Menendez and HBI representative to accompany and support motion for temporary restraining and seizure order; email to and from Mike Ray regarding details of Manny Menendez's efforts to purchase counterfeit goods	Wharton, Jacob S.	5.20	\$ 1,508.00
11/26/2007	Manual, Courtlink and Pacer research on trademark/counterfeit goods actions in the Southern District of New York for Jake Wharton	Turner, Tim *	2.60	\$ 494.00
11/27/2007	E-mail from Jake Wharton regarding peculiarities of NY law that we need to comply with in bringing seizure action; telephone conference with Warren Zeserman, Randy Springer and Manny Martinez; e-mail to Martinez	Ray, Michael E.	1.60	\$ 960.00
11/27/2007	Work on strategy for addressing counterfeit hoodie problem in New York City	Springer, Randel S.	0.40	\$ 174.00
11/27/2007	Begin drafting complaint; research potential causes of action; confirm assignment of record with Patent and Trademark Office to ensure correct parties are named as plaintiff	Wharton, Jacob S.	3.40	\$ 986.00
11/27/2007	Manual and Pacer research on trademark counterfeit cases in the the Southern District of New York for Jake Wharton.	Turner, Tim *	2.30	\$ 437.00
11/29/2007	Continue drafting complaint	Wharton, Jacob S.	1.50	\$ 435.00
11/30/2007	Return call from Warren Zeserman regarding questions from Manny Martinez; e-mail to Martinez with responses; further e-mails with Martinez	Ray, Michael E.	0.70	\$ 420.00

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1573075

ITEMIZED SERVICES BILL

11/30/2007	Continue drafting complaint	Wharton, Jacob S,	1.00	\$ 290.00
Total for Services:				\$ 11,361.50

* If an asterisk appears above, it designates a Legal Assistant or other non-lawyer professional.

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1573075

DISBURSEMENTS AND OTHER CHARGES

Date:	Description:	Amount:
Nov 7, 2007	Color Copies	\$ 9.50
Nov 7, 2007	Express Delivery Charge Federal Express Corporation; 791795598598; Womble Carlyle Sandridge & Ric, Randel Springer, WINSTON SALEM, NC	\$ 20.28
	Photocopies	\$ 2.50
Total Disbursements:		<u>\$ 32.28</u>

Any disbursement appearing on our statements as Business Meals and Entertainment is stated at cost. The Revenue Reconciliation Act of 1993 reduced the deductibility of these expenses to you from 80% to 50%. We maintain the supporting documentation for these costs and will make the documentation available to you upon request.

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1573075

ATTORNEY SUMMARY

Attorney:	Hours:	Amount:	Discounted Rate:	Standard Amount:	Standard Rate:
Ray, Michael E.	9.90	\$ 5,940.00	\$ 600.00	\$ 5,940.00	\$ 600.00
Springer, Randel S.	1.50	\$ 587.25	\$ 391.50	\$ 652.50	\$ 435.00
Wharton, Jacob S.	12.80	\$ 3,340.80	\$ 261.00	\$ 3,712.00	\$ 290.00
Sharpe, Victoria A*	0.70	\$ 113.40	\$ 162.00	\$ 126.00	\$ 180.00
Turner, Tim *	4.90	\$ 931.00	\$ 190.00	\$ 931.00	\$ 190.00
Totals:	<u>29.80</u>	<u>\$ 10,912.45</u>		<u>\$ 11,361.50</u>	

* If an asterisk appears above, it designates a Legal Assistant or other non-lawyer professional.

CLIENT BILLING SUMMARY

Year-to-Date Fees:	\$ 12,218.44
Year-To-Date Expenses:	\$ 2,281.48
Year-To-Date Fees and Expenses:	<u>\$ 14,499.92</u>
 Fiscal Year-to-Date Fees:	 \$ 12,218.44
Fiscal Year-to-Date Expenses:	\$ 2,281.48
Fiscal Year-to-Date Fees and Expenses:	<u>\$ 14,499.92</u>
 Case-to-Date Fees:	 \$ 12,218.44
Case-to-Date Expenses:	\$ 2,281.48
Case-to-Date Fees and Expenses:	<u>\$ 14,499.92</u>

WOMBLE CARLYLE SANDRIDGE & RICE

A PROFESSIONAL LIMITED LIABILITY COMPANY
 ONE WEST FOURTH STREET
 WINSTON-SALEM, NORTH CAROLINA 27101
 TELEPHONE (336) 721-3600
 FACSIMILE (336) 721-3660

OTHER OFFICES:

ATLANTA, GA
 BALTIMORE, MD
 CHARLOTTE, NC
 GREENSBORO, NC
 GREENVILLE, SC
 RALEIGH, NC
 RESEARCH TRIANGLE PARK, NC
 TYSONS CORNER, VA
 WASHINGTON, D.C.
 WILMINGTON, DE

January 31, 2008
 Matter Number 04003.0067.4
 Invoice Number 1576061
 STATEMENT FOR SERVICES RENDERED

Warren L. Zeserman, Esquire
 Hanesbrands: Champion Athleticwear
 c/o Hanesbrands Inc. - IP Law Dept.
 P.O. Box 825
 Rural Hall, NC 27045

RE: Investigation of Counterfeit SUPER HOOD Sweatshirts

FOR PROFESSIONAL SERVICES RENDERED THRU 12/31/2007	\$17,772.50
LESS DISCOUNT	<u>-\$1,777.25</u>
TOTAL FEES	\$15,995.25
DISBURSEMENTS THRU 12/31/2007	<u>\$75.43</u>
CURRENT TOTAL	<u>\$16,070.68</u>

If paying by check, please remit payment on receipt to the following address:

PO Box 601879
 Charlotte, North Carolina 28260-1879

PLEASE RETURN THIS PAGE WITH PAYMENT

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If paying by wire, please remit payment on receipt as follows:

Wachovia Bank, N.A.
 1525 W.T. Harris Blvd.
 Charlotte, NC 28288
 ABA no. 053000219
 Swift Code: PNBPU33

For Credit To:

Womble Carlyle Sandridge & Rice, PLLC
 One West Fourth Street
 Winston-Salem, NC 27101
 Account no. 2087311040408

PLEASE include our bill # or 10-digit client/matter# on EFT, or e-mail remittance advice to AccountsReceivable@wcsr.com.

Tax Identification Number 56-0308470

WOMBLE CARLYLE SANDRIDGE & RICE

A PROFESSIONAL LIMITED LIABILITY COMPANY

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January 31, 2008
Matter Number 04003.0067.4
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Rural Hall, NC 27045

RE: Investigation of Counterfeit SUPER HOOD Sweatshirts

FOR PROFESSIONAL SERVICES RENDERED THRU 12/31/2007	\$17,772.50
LESS DISCOUNT	<u>- \$1,777.25</u>
TOTAL FEES	\$15,995.25
DISBURSEMENTS THRU 12/31/2007	<u>\$75.43</u>
CURRENT TOTAL	<u>\$16,070.68</u>

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1576061

ITEMIZED SERVICES BILL

Date:	Description:	Attorney:	Hours:	Amount:
12/03/2007	E-mail from and e-mail to Jake Wharton regarding allegations in complaint about "famous" mark	Ray, Michael E.	0.40	\$ 240.00
12/03/2007	Continue drafting complaint	Wharton, Jacob S.	3.40	\$ 986.00
12/04/2007	E-mail from and e-mail to Jake Wharton regarding status of and plan for finalizing pleadings and related documents	Ray, Michael E.	0.50	\$ 300.00
12/04/2007	Continue drafting and complete first draft of complaint; draft motion for secrecy order	Wharton, Jacob S.	2.50	\$ 725.00
12/04/2007	Conference with Jake Wharton regarding research of local rules; research Southern District Court of New York regarding Pro Hac Vice rules; prepare email to Jake Wharton summarizing research results	Sharpe, Victoria A*	0.50	\$ 90.00
12/05/2007	E-mail from Warren Zeserman; e-mail from and e-mail to Manny Martinez regarding status of investigation; conference with Jake Wharton regarding litigation hold procedures; e-mail from and e-mail to Jake Wharton regarding strategy in injunction part of proceedings; e-mail from and e-mail to Jake Wharton regarding pricing of counterfeit goods; e-mail from and e-mail to Jake Wharton regarding local counsel assistance	Ray, Michael E.	1.60	\$ 960.00
12/05/2007	Review standards for pro hac vice admission in the United States District Court for the Southern District of New York; draft motion for temporary restraining order, asset restraining order, expedited discovery order and order to show cause for preliminary injunction; begin drafting memorandum of law in support of motion for temporary restraining order, asset restraining order, expedited discovery order and order to show cause for preliminary injunction; review local rules for the United States District Court for the Southern District of New York regarding motion practice	Wharton, Jacob S.	2.40	\$ 696.00
12/05/2007	Review email correspondence from Jake Wharton regarding research; perform requested research of corporation information; prepare email to Jake Wharton summarizing research results; research local rules; conferences and email communication with Jake Wharton regarding draft of documents; begin draft of documents; prepare request for Certificate of Good Standing for Mike Ray	Sharpe, Victoria A*	1.70	\$ 306.00

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1576061

ITEMIZED SERVICES BILL

12/06/2007	E-mail to Manny Martinez regarding status of investigation; e-mails with Jake Wharton regarding declarations from HBI and investigator witnesses; e-mail from Jake Wharton regarding designation of HBI affiant on counterfeits; e-mail to Warren Zeserman regarding same; e-mail from Jake Wharton regarding schedule for filing lawsuit and related motions; e-mail from Manny Martinez regarding status	Ray, Michael E.	1.30	\$ 780.00
12/06/2007	Continue drafting memorandum of law in support of motion for temporary restraining order, asset restraining order, expedited discovery order and order to show cause for preliminary injunction; review local rules for the United States District Court for the Southern District of New York regarding motion practice	Wharton, Jacob S.	7.70	\$ 2,233.00
12/06/2007	Conference with Jake Wharton regarding images of products; compile products; take pictures of infringing product; prepare email to Jake Wharton regarding images; conference with Jake Wharton regarding pictures	Sharpe, Victoria A*	0.70	\$ 126.00
12/07/2007	Several e-mails with Manny Martinez regarding update on investigation	Ray, Michael E.	0.40	\$ 240.00
12/07/2007	Continue drafting memorandum of law in support of motion for temporary restraining order, asset restraining order, expedited discovery order and order to show cause for preliminary injunction; legal research regarding obtaining an ex parte temporary restraining order and seizure order	Wharton, Jacob S.	5.50	\$ 1,595.00
12/07/2007	Compile documents and finalize letter for Mike Ray's request for certificate of good standing; email communication with Kim Brandt regarding Jake Wharton's certificate of good standing; file organization	Sharpe, Victoria A*	0.70	\$ 126.00
12/08/2007	Continue drafting memorandum of law in support of motion for temporary restraining order, asset restraining order, expedited discovery order and order to show cause for preliminary injunction; legal research regarding obtaining an ex parte temporary restraining order and seizure order	Wharton, Jacob S.	1.90	\$ 551.00

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1576061

ITEMIZED SERVICES BILL

12/10/2007	E-mail from and e-mail to Warren Zeserman regarding examination by Rich Heller of counterfeit Super Hoods; conference with Jake Wharton regarding plan and schedule with district court in Manhattan; e-mails with Warren Zeserman about schedule; e-mails from Rich Heller; call from Manny Martinez and conference with Jake Wharton regarding same; e-mail to Rich Heller; e-mails with Jake Wharton regarding notification to US Attorney's office of lawsuit; e-mail and review report from Manny Martinez on counterfeits	Ray, Michael E.	2.70	\$ 1,620.00
12/10/2007	Review email from Warren Zeserman indicating that Rich Heller is to review counterfeit sweatshirts; review counterfeit sweatshirts and provide report to Rich Heller, Mike Ray, and Warren Zeserman; email to and from Rich Heller planning review of counterfeit sweatshirts; review report from Manny Martinez regarding locations where counterfeit sweatshirts were purchased by investigators	Wharton, Jacob S.	1.90	\$ 551.00
12/10/2007	Conference with Jake Wharton regarding preparation of chart to index samples; compile samples; prepare chart to index samples; give chart and samples to Jake Wharton for further review; review email communication from Jake Wharton regarding further instructions; research company information of latest samples; create chart for affidavit	Sharpe, Victoria A*	2.50	\$ 450.00
12/11/2007	E-mail from Gerry Haddad regarding court's schedule over the holidays	Ray, Michael E.	0.20	\$ 120.00
12/11/2007	Email from and to Gerry Haddad regarding court schedule for Southern District of New York; prepare for and attend meeting with Rich Heller to review counterfeit sweatshirts	Wharton, Jacob S.	2.40	\$ 696.00
12/12/2007	E-mail from and e-mail to Gerry Haddad; e-mails with Jake Wharton and Randy Springer regarding recommendation to notify Customs Service of trademarks; conference with Jake Wharton regarding schedule for giving notice and filing lawsuit and regarding identity of known defendants; e-mails with Jake Wharton regarding requirements for notice to US Attorney; e-mails from and e-mails to Jake Wharton regarding whether seizure order can be issued covering the SDNY and EDNY stores and whether notice letter is required to each US Attorney	Ray, Michael E.	2.30	\$ 1,380.00

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1576061

ITEMIZED SERVICES BILL

12/12/2007	Telephone conference with Warren Zeserman regarding registration of CHAMPION trademark with customs	Springer, Randel S.	0.30	\$ 130.50
12/12/2007	Draft affidavit of Richard Heller in support of motion for temporary restraining order and seizure order; research business organization of retailers selling counterfeits; continue drafting complaint; research means for HBI to use U.S. Customs and Border Protection to stop counterfeit goods from coming into the United States; draft affidavit of Jacob Wharton in support of motion for temporary restraining and seizure order; draft affidavit of Manuel Martinez in support of motion for temporary restraining and seizure order; draft notice letter to United States Attorney for the Southern District of New York	Wharton, Jacob S.	9.90	\$ 2,871.00

Total for Services:	<u>\$ 17,772.50</u>
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* If an asterisk appears above, it designates a Legal Assistant or other non-lawyer professional.

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1576061

DISBURSEMENTS AND OTHER CHARGES

Date:	Description:	Amount:
Dec 6, 2007	Certificate of Good Standing The North Carolina State Bar (AP) - Certificate of Good Standing	\$ 5.00
Dec 10, 2007	Messenger/Courier Service McBride, DeAnne - Deliver to Hanes Brands	\$ 17.50
Dec 11, 2007	Certificate of Good Standing Clerk of Supreme Court Missouri - Certificate of Good Standing - Jake Wharton - admission to NY district court	\$ 5.00
Dec 18, 2007	Express Delivery Charge Federal Express Corporation; 790407469018; Morgan Finnegan LLP, Gerard A. Haddad, NEW YORK, NY	\$ 47.93
Total Disbursements:		<u>\$ 75.43</u>

Any disbursement appearing on our statements as Business Meals and Entertainment is stated at cost. The Revenue Reconciliation Act of 1993 reduced the deductibility of these expenses to you from 80% to 50%. We maintain the supporting documentation for these costs and will make the documentation available to you upon request.

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1576061

TIMEKEEPER SUMMARY

Attorney:	Hours:	Amount:	Discounted Rate:	Standard Amount:	Standard Rate:
Ray, Michael E.	9.40	\$ 5,076.00	\$ 540.00	\$ 5,640.00	\$ 600.00
Springer, Randel S.	0.30	\$ 117.45	\$ 391.50	\$ 130.50	\$ 435.00
Wharton, Jacob S.	37.60	\$ 9,813.60	\$ 261.00	\$ 10,904.00	\$ 290.00
Sharpe, Victoria A*	6.10	\$ 988.20	\$ 162.00	\$ 1,098.00	\$ 180.00
Totals:	<u>53.40</u>	<u>\$ 15,995.25</u>		<u>\$ 17,772.50</u>	

* If an asterisk appears above, it designates a Legal Assistant or other non-lawyer professional.

CLIENT BILLING SUMMARY

Year-to-Date Fees:	\$ 75,483.04
Year-To-Date Expenses:	\$ 2,570.17
Year-To-Date Fees and Expenses:	<u>\$ 78,053.21</u>
 Fiscal Year-to-Date Fees:	 \$ 75,483.04
Fiscal Year-to-Date Expenses:	\$ 2,570.17
Fiscal Year-to-Date Fees and Expenses:	<u>\$ 78,053.21</u>
 Case-to-Date Fees:	 \$ 28,213.69
Case-to-Date Expenses:	\$ 2,356.91
Case-to-Date Fees and Expenses:	<u>\$ 30,570.60</u>

WOMBLE CARLYLE SANDRIDGE & RICE

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 RESEARCH TRIANGLE PARK, NC
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 WILMINGTON, DE

January 31, 2008
 Matter Number 04003.0067.4
 Invoice Number 1580641
 STATEMENT FOR SERVICES RENDERED

Warren L. Zeserman, Esquire
 Hanesbrands: Champion Athleticwear
 c/o Hanesbrands Inc. - IP Law Dept.
 P.O. Box 825
 Rural Hall, NC 27045

RE: Investigation of Counterfeit SUPER HOOD Sweatshirts

FOR PROFESSIONAL SERVICES RENDERED THRU 12/31/2007	\$15,995.50
LESS DISCOUNT	- \$1,599.55
TOTAL FEES	\$14,395.95
DISBURSEMENTS THRU 12/31/2007	\$0.00
CURRENT TOTAL	\$14,395.95

If paying by check , please remit payment on receipt to the following address:	If paying by wire , please remit payment on receipt as follows:		
PO Box 601879 Charlotte, North Carolina 28260-1879 PLEASE RETURN THIS PAGE WITH PAYMENT Please <i>do not</i> use the above address for trust funds or retainer payments. Please send all trust funds and retainer payments directly to One West Fourth Street, Winston-Salem, NC 27101.	<table> <tbody> <tr> <td> Wachovia Bank, N.A. 1525 W.T. Harris Blvd. Charlotte, NC 28288 ABA no. 053000219 Swift Code: PNBPU33 </td> <td> For Credit To: Womble Carlyle Sandridge & Rice, PLLC One West Fourth Street Winston-Salem, NC 27101 Account no. 2087311040408 </td> </tr> </tbody> </table> PLEASE include our bill # or 10-digit client/matter# on EFT, or e-mail remittance advice to AccountsReceivable@wcsr.com .	Wachovia Bank, N.A. 1525 W.T. Harris Blvd. Charlotte, NC 28288 ABA no. 053000219 Swift Code: PNBPU33	For Credit To: Womble Carlyle Sandridge & Rice, PLLC One West Fourth Street Winston-Salem, NC 27101 Account no. 2087311040408
Wachovia Bank, N.A. 1525 W.T. Harris Blvd. Charlotte, NC 28288 ABA no. 053000219 Swift Code: PNBPU33	For Credit To: Womble Carlyle Sandridge & Rice, PLLC One West Fourth Street Winston-Salem, NC 27101 Account no. 2087311040408		
Tax Identification Number 56-0308470			

WOMBLE CARLYLE SANDRIDGE & RICE

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ONE WEST FOURTH STREET
WINSTON-SALEM, NORTH CAROLINA 27101
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FACSIMILE (336) 721-3660

OTHER OFFICES:

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CHARLOTTE, NC
GREENSBORO, NC
GREENVILLE, SC
RALEIGH, NC
RESEARCH TRIANGLE PARK, NC
TYSONS CORNER, VA
WASHINGTON, D.C.
WILMINGTON, DE

January 31, 2008
Matter Number 04003.0067.4
Invoice Number 1580641
STATEMENT FOR SERVICES RENDERED

Warren L. Zeserman, Esquire
Hanesbrands: Champion Athleticwear
c/o Hanesbrands Inc. - IP Law Dept.
P.O. Box 825
Rural Hall, NC 27045

RE: Investigation of Counterfeit SUPER HOOD Sweatshirts

FOR PROFESSIONAL SERVICES RENDERED THRU 12/31/2007	\$15,995.50
LESS DISCOUNT	<u>- \$1,599.55</u>
TOTAL FEES	\$14,395.95
DISBURSEMENTS THRU 12/31/2007	<u>\$0.00</u>
CURRENT TOTAL	<u>\$14,395.95</u>

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1580641

ITEMIZED SERVICES BILL

Date:	Description:	Attorney:	Hours:	Amount:
12/13/2007	Revise: notice letter to US Attorney Michael Garcia; complaint; combined motions; declarations of Richard Heller, Manny Martinez, Allen Ortiz, Jacob Wharton, and Ruandy Melo; supporting memorandum; conference with Jake Wharton regarding scheduling of further reviews; e-mail from Rich Heller; e-mail from and e-mail to Gerry Haddad at Morgan Finnegan	Ray, Michael E.	3.10	\$ 1,860.00
12/13/2007	Continue drafting affidavits of Richard Heller, Manuel Martinez, Jacob Wharton, Allen Ortiz, and Ruandy Melo in support of motion for temporary restraining order and seizure order; continue drafting complaint; continue drafting memorandum in support of motion for temporary restraining order and seizure order	Wharton, Jacob S.	6.40	\$ 1,856.00
12/13/2007	Email correspondence with Jake Wharton and Mike Ray regarding file; file organization	Sharpe, Victoria A*	0.40	\$ 72.00
12/14/2007	E-mails with Jake Wharton regarding comments from Morgan Finnegan; e-mail from Warren Zeserman regarding note from Manny Martinez; conference with Jake Wharton regarding status of pleadings and several issues to be researched	Ray, Michael E.	0.90	\$ 540.00
12/14/2007	Research potential online counterfeiters; draft proposed order; email Gerald Haddad regarding notice to United States Attorney for the Southern District of New York; email to and from Rich Heller regarding counterfeit sweatshirts to use as exhibits; begin drafting proposed order	Wharton, Jacob S.	2.20	\$ 638.00
12/14/2007	Review email communication from Jake Wharton regarding preparation of document filing; conference with Jake Wharton regarding upcoming filing; receive Mike Ray's certificate of good standing	Sharpe, Victoria A*	0.50	\$ 90.00
12/15/2007	Continue drafting proposed order	Wharton, Jacob S.	2.00	\$ 580.00
12/16/2007	Complete drafting of proposed order; email same to Mike Ray with comments	Wharton, Jacob S.	1.30	\$ 377.00

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1580641

ITEMIZED SERVICES BILL

12/17/2007	Conference with Jake Wharton regarding plan for finalizing pleadings, exhibits, etc.; revise proposed order; e-mail from and e-mail to Warren Zeserman regarding meeting tomorrow to discuss case and plan; work on near-term plan and budget; e-mail to Randy Springer and Jake Wharton regarding same; finalized proposed budget and plan; conference with Jake Wharton regarding same; e-mail to Warren Zeserman with drafts and proposed budget and plan	Ray, Michael E.	2.90	\$ 1,740.00
12/17/2007	Work on SUPERHOOD counterfeiting dispute	Springer, Randel S.	0.60	\$ 261.00
12/17/2007	Draft table as exhibit to affidavit of Manual Martinez; draft potential timeline and budget for litigation; continue revisions to proposed order based on input from Mike Ray; email to Gerry Haddad and Colin Foley regarding jurisdiction issue and need to file in two federal courts versus one and request rates for budgeting purposes; review and compile exhibits for complaint and motion for temporary restraining order and seizure order; research locations of each possible defendant and ensure its presence in the Southern District of New York	Wharton, Jacob S.	4.40	\$ 1,276.00
12/17/2007	Conference with Jake Wharton regarding exhibits; compile list of all exhibits needed; compile exhibits; conference with Jake Wharton regarding status of filing; review email communication from team	Sharpe, Victoria A*	2.60	\$ 468.00
12/18/2007	Conference with Randy Springer regarding decision not to file lawsuit until marketing has conversations with retailers	Ray, Michael E.	0.30	\$ 180.00
12/18/2007	Work on strategy for handling counterfeiting of SUPERHOOD goods; discuss with Warren Zeserman	Springer, Randel S.	0.50	\$ 217.50
12/18/2007	Legal analysis and review of counterfeit and authentic sweatshirts; prepare exhibits; teleconference with Colin Foley regarding proposed revisions to complaint and motion papers	Wharton, Jacob S.	3.80	\$ 1,102.00
12/18/2007	Work with Jake Wharton on preparation of documents	Sharpe, Victoria A*	4.10	\$ 738.00
12/19/2007	E-mails with Jake Wharton regarding status of finalizing material to be filed; e-mail from Warren Zeserman advising that one of the proposed defendants has gone out of business; conference with Jake Wharton regarding cautions if filing of suit is to be delayed	Ray, Michael E.	0.90	\$ 540.00

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1580641

ITEMIZED SERVICES BILL

12/19/2007	Continue to draft and revise memorandum of law in support of motion for ex parte temporary restraining order and seizure order and affidavit of Richard Heller	Wharton, Jacob S.	0.70	\$ 203.00
12/19/2007	Work with Jake Wharton on preparation of documents	Sharpe, Victoria A*	2.50	\$ 450.00
12/20/2007	Call to Warren Zeserman regarding cautions in postponing filing of lawsuit	Ray, Michael E.	0.30	\$ 180.00
12/20/2007	Email to and from Mike Ray regarding sale of at least one store that is potential defendant; conference with Mike Ray regarding schedule for filing and plan to purchase new counterfeit sweatshirts from four stores that may be changing ownership	Wharton, Jacob S.	0.20	\$ 58.00
12/20/2007	Update file with latest team correspondence	Sharpe, Victoria A*	0.10	\$ 18.00
12/21/2007	Telephone conference with Warren Zeserman and Randy Springer regarding next steps and plan; conference with Jake Wharton regarding same; e-mail to Manny Martinez regarding additional purchases	Ray, Michael E.	1.10	\$ 660.00
12/21/2007	Work on strategy for SUPERHOOD counterfeit litigation; conference call with Warren Zeserman and Mike Ray	Springer, Randel S.	0.40	\$ 174.00
12/21/2007	Conference with Mike Ray regarding change of ownership of potential defendants; email Mike Ray with addresses of stores that need further investigation	Wharton, Jacob S.	0.60	\$ 174.00
12/27/2007	Conference with Colin Foley regarding papers to be filed to secure temporary restraining order, seizure, and preliminary injunction	Wharton, Jacob S.	1.80	\$ 522.00
12/28/2007	Meet with Jake Wharton to discuss changes to suit papers	Ray, Michael E.	0.30	\$ 180.00
12/28/2007	Review comments from Morgan Finnegan regarding motion papers and complaint with Mike Ray	Wharton, Jacob S.	0.10	\$ 29.00
12/29/2007	Continue to revise motion for ex parte temporary restraining and seizure order, preservation order, order to show cause re preliminary injunction, and secrecy order	Wharton, Jacob S.	1.00	\$ 290.00
12/30/2007	Continue to revise motion for ex parte temporary restraining and seizure order, preservation order, order to show cause re preliminary injunction, and secrecy order	Wharton, Jacob S.	1.60	\$ 464.00

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1580641

ITEMIZED SERVICES BILL

12/31/2007	Continue to draft memorandum in support of motion for temporary restraining order, seizure order, preservation order, order to show cause why a preliminary injunction should not issue, and secrecy order	Wharton, Jacob S.	0.20	\$ 58.00
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Total for Services:	<u>\$ 15,995.50</u>
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* If an asterisk appears above, it designates a Legal Assistant or other non-lawyer professional.

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1580641

TIMEKEEPER SUMMARY

Attorney:	Hours:	Amount:	Discounted Rate:	Standard Amount:	Standard Rate:
Ray, Michael E.	9.80	\$ 5,292.00	\$ 540.00	\$ 5,880.00	\$ 600.00
Springer, Randel S.	1.50	\$ 587.25	\$ 391.50	\$ 652.50	\$ 435.00
Wharton, Jacob S.	26.30	\$ 6,864.30	\$ 261.00	\$ 7,627.00	\$ 290.00
Sharpe, Victoria A*	10.20	\$ 1,652.40	\$ 162.00	\$ 1,836.00	\$ 180.00
Totals:	47.80	\$ 14,395.95		\$ 15,995.50	

* If an asterisk appears above, it designates a Legal Assistant or other non-lawyer professional.

CLIENT BILLING SUMMARY

Year-to-Date Fees:	\$ 75,483.04
Year-To-Date Expenses:	\$ 2,570.17
Year-To-Date Fees and Expenses:	<u>\$ 78,053.21</u>
 Fiscal Year-to-Date Fees:	 \$ 75,483.04
Fiscal Year-to-Date Expenses:	\$ 2,570.17
Fiscal Year-to-Date Fees and Expenses:	<u>\$ 78,053.21</u>
 Case-to-Date Fees:	 \$ 26,614.39
Case-to-Date Expenses:	\$ 2,281.48
Case-to-Date Fees and Expenses:	<u>\$ 28,895.87</u>

WOMBLE CARLYLE SANDRIDGE & RICE

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 TYSONS CORNER, VA
 WASHINGTON, D.C.
 WILMINGTON, DE

February 12, 2008
 Matter Number 04003.0067.4
 Invoice Number 1580643
 STATEMENT FOR SERVICES RENDERED

Warren L. Zeserman, Esquire
 Hanesbrands: Champion Athleticwear
 c/o Hanesbrands Inc. - IP Law Dept.
 P.O. Box 825
 Rural Hall, NC 27045

RE: Investigation of Counterfeit SUPER HOOD Sweatshirts

FOR PROFESSIONAL SERVICES RENDERED THRU 01/31/2008	\$17,444.00
LESS DISCOUNT	- \$1,744.40
TOTAL FEES	\$15,699.60
DISBURSEMENTS THRU 01/31/2008	\$213.26
CURRENT TOTAL	\$15,912.86

If paying by check , please remit payment on receipt to the following address:	If paying by wire , please remit payment on receipt as follows:	
PO Box 601879 Charlotte, North Carolina 28260-1879 PLEASE RETURN THIS PAGE WITH PAYMENT Please <i>do not</i> use the above address for trust funds or retainer payments. Please send all trust funds and retainer payments directly to One West Fourth Street, Winston-Salem, NC 27101.	Wachovia Bank, N.A. 1525 W.T. Harris Blvd. Charlotte, NC 28288 ABA no. 053000219 Swift Code: PNBPU33	<u>For Credit To:</u> Womble Carlyle Sandridge & Rice, PLLC One West Fourth Street Winston-Salem, NC 27101 Account no. 2087311040408 PLEASE include our bill # or 10-digit client/matter# on EFT, or e-mail remittance advice to AccountsReceivable@wcsr.com.
Tax Identification Number 56-0308470		

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February 12, 2008
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RE: Investigation of Counterfeit SUPER HOOD Sweatshirts

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Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1580643

ITEMIZED SERVICES BILL

Date:	Description:	Attorney:	Hours:	Amount:
01/02/2008	E-mail to Manny Martinez regarding status	Ray, Michael E.	0.20	\$ 120.00
01/02/2008	Continue to draft memorandum in support of motion for temporary restraining order, seizure order, preservation order, order to show cause why a preliminary injunction should not issue, and secrecy order; continue to draft complaint; draft motion and memorandum in support of expedited discovery; email to Manny Martinez regarding investigation of counterfeiters	Wharton, Jacob S.	5.10	\$ 1,479.00
01/02/2008	Review email correspondence with Jake Wharton regarding research and document preparation; conferences with Jake Wharton regarding research and document preparation; search and compile requested documents; send or give requested documents to Jake Wharton for further review	Sharpe, Victoria A*	1.00	\$ 180.00
01/03/2008	E-mail from and e-mail to Jake Wharton regarding disclosure of corporate information	Ray, Michael E.	0.20	\$ 120.00
01/03/2008	Begin drafting document requests; email to and from Manny Martinez regarding completing affidavits; email to Randy Springer regarding corporate structure of Hanesbrands and HBI Branded Apparel Enterprises, LLC	Wharton, Jacob S.	0.60	\$ 174.00
01/03/2008	Update research of infringing parties; conferences with Jake Wharton regarding status of research and preparation of documents; revise Pro Hac Vice documents for Mike Ray and Jake Wharton	Sharpe, Victoria A*	1.40	\$ 252.00
01/04/2008	E-mail from and e-mail to Warren Zeserman regarding status; conference with Jake Wharton regarding same	Ray, Michael E.	0.80	\$ 480.00
01/04/2008	Continue drafting document requests; draft status report; prepare exhibits to motion papers	Wharton, Jacob S.	0.70	\$ 203.00
01/04/2008	Assist Jake Wharton with preparation of documents for filing	Sharpe, Victoria A*	0.80	\$ 144.00

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1580643

ITEMIZED SERVICES BILL

01/07/2008	Continue investigation of proper defendants and revised records from the New York Secretary of State's office; review and revise motions for Jacob Wharton and Mike Ray to appear pro hac vice in the Southern District of New York; continue drafting requests for the production of documents and memorandum in support of expedited discovery; continue to draft motion for expedited discovery and memorandum in support; continue to draft memorandum in support of preservation order; legal research regarding standard in Southern District of New York for expedited discovery; email from Manny Menendez regarding additional information for affidavits	Wharton, Jacob S.	7.20	\$ 2,088.00
01/07/2008	Conference with Jake Wharton regarding further research of defendants; perform research of potential defendants; update pleadings with correct defendant's names	Sharpe, Victoria A*	2.20	\$ 396.00
01/08/2008	E-mail from Jake Wharton regarding status of investigation	Ray, Michael E.	0.20	\$ 120.00
01/08/2008	Continue drafting affidavits of Manny Menendez, Ruandy Melo, and Allen Ortiz; review exhibits to motions and affidavits; continue drafting motion and memorandum for temporary restraining and seizure order; revise notice letter to the U.S. Attorney for the Southern District of New York; continue revising affidavits of Richard Heller and Jacob Wharton; continue revising motion and memorandum for expedited discovery and complaint	Wharton, Jacob S.	5.30	\$ 1,537.00
01/08/2008	Email correspondence with Jake Wharton regarding preparation of pleadings; conference with Jake Wharton regarding preparation of pleadings; update pleadings per Jake Wharton's instructions; conferences with Jake Wharton regarding pleadings; prepare exhibits for pleadings	Sharpe, Victoria A*	2.00	\$ 360.00
01/09/2008	Continue drafting affidavits of Manny Menendez, Ruandy Melo, and Allen Ortiz; continue review of exhibits to motions and affidavits; continue drafting motion and memorandum for temporary restraining and seizure order; continue revising affidavits of Richard Heller and Jacob Wharton; continue revising motion and memorandum for expedited discovery and complaint	Wharton, Jacob S.	4.60	\$ 1,334.00
01/09/2008	Work on finalization of pleadings	Sharpe, Victoria A*	2.00	\$ 360.00

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1580643

ITEMIZED SERVICES BILL

01/10/2008	Finalize pleadings and discuss same with Warren Zeserman and Randy Springer	Wharton, Jacob S.	1.90	\$ 551.00
01/10/2008	Review email communication from Jake Wharton regarding defendant's company name; research proper name of company; respond to Jake Wharton's email and include correct company name	Sharpe, Victoria A*	0.30	\$ 54.00
01/11/2008	Telephone conference with Manny Martinez regarding continuing investigation of counterfeiters; email to and from Mike Ray, Warren Zeserman, and Randy Springer regarding continuing investigation of counterfeiters and strategy for naming correct parties	Wharton, Jacob S.	1.50	\$ 435.00
01/13/2008	Continue drafting affidavit of Manuel Martinez and memorandum in support of seizure based on recent continuing investigations of counterfeiters; revise notice letters to U.S. Attorneys for the Southern and Eastern District of New York	Wharton, Jacob S.	1.30	\$ 377.00
01/14/2008	Conference with Jake Wharton regarding schedule for review of draft pleadings/affidavits and filing lawsuit; review draft letters to US Attorneys and e-mail from and e-mail to Jake Wharton regarding same; revise pleadings, affidavits and briefs to be filed; call from Warren Zeserman and Rich Heller to review affidavit; e-mail from and e-mail to Warren Zeserman regarding schedule and meeting on Thursday	Ray, Michael E.	3.20	\$ 1,920.00
01/14/2008	Conference with Mike Ray regarding filing date and strategy; draft email to Warren Zeserman regarding schedule for filing and affidavits; draft correspondence to Manny Martinez regarding signing affidavits; finalize and send affidavits of Manny Martinez, Ruandy Melo, and Allen Ortiz to Manny Martinez	Wharton, Jacob S.	1.40	\$ 406.00
01/14/2008	Review email communication from Jake Wharton regarding affidavits	Sharpe, Victoria A*	0.10	\$ 18.00
01/15/2008	Discuss schedule matters with Jake Wharton; call to Warren Zeserman regarding sending US Attorney letters; e-mail from Zeserman; finalize and send US Attorney letters	Ray, Michael E.	1.30	\$ 780.00
01/15/2008	Email to Manny Martinez regarding signing affidavits; send certificates of good standing for Jacob Wharton and Mike Ray to Morgan & Finnegan for filing with motions for admission pro hac vice to the Southern District of New York; review signed affidavit of Michael Heller	Wharton, Jacob S.	0.80	\$ 232.00

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1580643

ITEMIZED SERVICES BILL

01/15/2008	Review email communication from Jake Wharton requesting update of research; update research regarding defendant companies	Sharpe, Victoria A*	0.30	\$ 54.00
01/15/2008	Review email communication from Jake Wharton to local counsel regarding affidavits	Sharpe, Victoria A*	0.10	\$ 18.00
01/16/2008	Telephone conference with Jake Wharton and local counsel, Colin Foley, to confirm schedule and plan	Ray, Michael E.	0.40	\$ 240.00
01/16/2008	Review corporate filings with the New York Department of State for various defendants; finalize pleadings; email Manny Martinez regarding signing affidavits and edits to exhibit to affidavit; telephone conference with Manny Martinez regarding affidavits in support of seizure motion	Wharton, Jacob S.	5.00	\$ 1,450.00
01/16/2008	Review email communication from Jake Wharton regarding preparation of documents for filing; conference with Jake Wharton regarding same; conference with Jake Wharton regarding finalization of documents; make arrangements for duplication of documents; prepare documents to be shipped to Colin Foley for further processing and filing with the court; assemble notebook of pleadings; file organization; conference with Jake Wharton regarding same	Sharpe, Victoria A*	1.90	\$ 342.00
01/17/2008	E-mail from Warren Zeserman with points to consider in meeting today; revise draft letter to distributors; e-mail to Jake Wharton; conference with Jake Wharton about call from Manny Martinez and need to drop address of store from pleadings and affidavits; e-mail to Warren Zeserman with revised letter to retailers; conference with Jake Wharton in preparation for meeting	Ray, Michael E.	1.90	\$ 1,140.00

Total for Services: \$ 17,364.00

* If an asterisk appears above, it designates a Legal Assistant or other non-lawyer professional.

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1580643

DISBURSEMENTS AND OTHER CHARGES

Date:	Description:	Amount:
Jan 10, 2008	Copying/Printing IKON Office Solutions - Outside copy service	\$ 93.81
Jan 14, 2008	Express Delivery Charge Federal Express Corporation; 790916147790; Manny Martinez, NEW YORK CITY, NY	\$ 18.80
Jan 15, 2008	Express Delivery Charge Federal Express Corporation; 798352433810; Morgan & Finnegan, Colin Foley, NEW YORK, NY	\$ 19.55
Jan 15, 2008	Express Delivery Charge Federal Express Corporation; 790917256750; U.S. Attorney - SDNY, The Honorable Michael J. Garci, NEW YORK CITY, NY	\$ 19.55
Jan 15, 2008	Express Delivery Charge Federal Express Corporation; 791477548596; U.S. Attorney - EDNY, The Honorable Benton J. Campbe, BROOKLYN, NY	\$ 19.55
Jan 23, 2008	Certificate of Good Standing Clerk of Supreme Court Missouri - Certificate of Good Standing for Jake Wharton for MO district court	\$ 5.00
Jan 24, 2008	Certificate of Good Standing The North Carolina State Bar (AP) - Certificate of Good Standing	\$ 5.00
	Photocopies	\$ 32.00
Total Disbursements:		\$ 213.26

Any disbursement appearing on our statements as Business Meals and Entertainment is stated at cost. The Revenue Reconciliation Act of 1993 reduced the deductibility of these expenses to you from 80% to 50%. We maintain the supporting documentation for these costs and will make the documentation available to you upon request.

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1580643

TIMEKEEPER SUMMARY

Attorney:	Hours:	Amount:	Discounted Rate:	Standard Amount:	Standard Rate:
Ray, Michael E.	8.20	\$ 4,500.00	\$ 548.78	\$ 4,920.00	\$ 600.00
Wharton, Jacob S.	35.40	\$ 9,239.40	\$ 261.00	\$ 10,266.00	\$ 290.00
Sharpe, Victoria A*	12.10	\$ 1,960.20	\$ 162.00	\$ 2,178.00	\$ 180.00
Totals:	<u>55.70</u>	<u>\$ 15,699.60</u>		<u>\$ 17,364.00</u>	

* If an asterisk appears above, it designates a Legal Assistant or other non-lawyer professional.

CLIENT BILLING SUMMARY

Year-to-Date Fees:	\$ 32,873.40
Year-To-Date Expenses:	\$ 213.26
Year-To-Date Fees and Expenses:	<u>\$ 33,086.66</u>
 Fiscal Year-to-Date Fees:	 \$ 32,873.40
Fiscal Year-to-Date Expenses:	\$ 213.26
Fiscal Year-to-Date Fees and Expenses:	<u>\$ 33,086.66</u>
 Case-to-Date Fees:	 \$ 27,918.04
Case-to-Date Expenses:	\$ 2,494.74
Case-to-Date Fees and Expenses:	<u>\$ 30,412.78</u>

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February 12, 2008
 Matter Number 04003.0067.4
 Invoice Number 1580644
 STATEMENT FOR SERVICES RENDERED

Warren L. Zeserman, Esquire
 Hanesbrands: Champion Athleticwear
 c/o Hanesbrands Inc. - IP Law Dept.
 P.O. Box 825
 Rural Hall, NC 27045

RE: Investigation of Counterfeit SUPER HOOD Sweatshirts

FOR PROFESSIONAL SERVICES RENDERED THRU 01/31/2008	\$19,082.00
LESS DISCOUNT	- \$1,908.20
TOTAL FEES	\$17,173.80
DISBURSEMENTS THRU 01/31/2008	\$0.00
CURRENT TOTAL	<u>\$17,173.80</u>

If paying by check , please remit payment on receipt to the following address:	If paying by wire , please remit payment on receipt as follows:				
PO Box 601879 Charlotte, North Carolina 28260-1879 PLEASE RETURN THIS PAGE WITH PAYMENT Please <i>do not</i> use the above address for trust funds or retainer payments. Please send all trust funds and retainer payments directly to One West Fourth Street, Winston-Salem, NC 27101.	<table> <tbody> <tr> <td> Wachovia Bank, N.A. 1525 W.T. Harris Blvd. Charlotte, NC 28288 ABA no. 053000219 Swift Code: PNBPU33 </td> <td> For Credit To: Womble Carlyle Sandridge & Rice, PLLC One West Fourth Street Winston-Salem, NC 27101 Account no. 2087311040408 </td> </tr> <tr> <td colspan="2"> PLEASE include our bill # or 10-digit client/matter# on EFT, or e-mail remittance advice to AccountsReceivable@wcsr.com. </td> </tr> </tbody> </table>	Wachovia Bank, N.A. 1525 W.T. Harris Blvd. Charlotte, NC 28288 ABA no. 053000219 Swift Code: PNBPU33	For Credit To: Womble Carlyle Sandridge & Rice, PLLC One West Fourth Street Winston-Salem, NC 27101 Account no. 2087311040408	PLEASE include our bill # or 10-digit client/matter# on EFT, or e-mail remittance advice to AccountsReceivable@wcsr.com.	
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Tax Identification Number 56-0308470					

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P.O. Box 825
Rural Hall, NC 27045

RE: Investigation of Counterfeit SUPER HOOD Sweatshirts

FOR PROFESSIONAL SERVICES RENDERED THRU 01/31/2008	\$19,082.00
LESS DISCOUNT	<u>- \$1,908.20</u>
TOTAL FEES	\$17,173.80
DISBURSEMENTS THRU 01/31/2008	<u>\$0.00</u>
CURRENT TOTAL	<u>\$17,173.80</u>

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1580644

ITEMIZED SERVICES BILL

Date:	Description:	Attorney:	Hours:	Amount:
01/17/2008	Email to and from Mike Ray regarding HBI's request to publicize efforts to stop counterfeiters; telephone conference with Manny Martinez regarding changes to affidavits; email to Manny Martinez and Colin Foley regarding amended affidavits	Wharton, Jacob S.	5.10	\$ 1,479.00
01/18/2008	E-mails with Jake Wharton and Colin Foley regarding further changes to affidavit of Manny Martinez and plans for execution and filing; e-mails with Jake Wharton regarding signed affidavits and need for corporate disclosure information; e-mails with Jake Wharton regarding new potential defendants	Ray, Michael E.	1.10	\$ 660.00
01/18/2008	Telephone conference with Manny Martinez regarding signing and delivering affidavits; telephone conference with Colin Foley regarding signed affidavits and corporate disclosure statements from plaintiffs; email to Warren Zeserman regarding obtaining corporate disclosure information; email to Mike Ray regarding two additional stores in Manhattan that may have counterfeits per Manny Martinez; email Warren Zeserman regarding additional stores that may have counterfeits and proposed course of action	Wharton, Jacob S.	1.60	\$ 464.00
01/21/2008	Conference with Jake Wharton regarding separating out order of seizure per direction of instructions from office of US Marshall; e-mail from Jake Wharton with revised pleadings and seizure order; e-mail from Warren Zeserman authorizing filing; several further e-mails with Jake Wharton in finalizing documents to be filed tomorrow; e-mails with Jake Wharton regarding further changes to briefs	Ray, Michael E.	1.30	\$ 780.00
01/21/2008	Draft revised proposed orders, revised motion and memorandum in support of seizure order; draft corporate disclosure statement; email Manny Martinez regarding continued investigation of retailers; telephone conference with and email to and from Colin Foley regarding revisions to pleadings	Wharton, Jacob S.	5.40	\$ 1,566.00
01/22/2008	Conference with Jake Wharton regarding judge's refusal to sign seizure order	Ray, Michael E.	0.40	\$ 240.00

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1580644

ITEMIZED SERVICES BILL

01/22/2008	Finalize memorandum in support of seizure and temporary restraining order and send to Morgan & Finnegan; review and revise cover letter to court clerk regarding initial filing; teleconference with Colin Foley at Morgan & Finnegan about dates for hearings and potential questions judge may ask; telephone conference with Colin Foley regarding judges order on motions and teleconference regarding same to Mike Ray; research background of Judge Victor Marrero and Second Circuit cases reversing denial of seizure order and email summary to Mike Ray	Wharton, Jacob S.	2.30	\$ 667.00
01/23/2008	E-mail from Jake Wharton regarding additional information needed on judge's actions; several telephone conferences with attorneys from Morgan Finnegan regarding 2nd Circuit procedure and strategy; several further conferences with Jake Wharton regarding same; call to Warren Zeserman regarding result yesterday and recommended strategy; conference with Randy Springer regarding same	Ray, Michael E.	3.70	\$ 2,220.00
01/23/2008	Email to Mike Ray regarding possible strategies in response to denial of seizure motion; conference with Morgan & Finnegan regarding comments from law clerk regarding denial, discussion of possible options, and develop strategy for filing motion for reconsideration; review motion papers to seek only seizure and secrecy order as ex parte relief; telephone conference with Andrew Oberfelt, Abacus Security, regarding services offered to stop counterfeiters; draft email to Mike Ray and Warren Zeserman regarding status and strategies; revise motion papers to be refilled without asking for certain ex parte relief	Wharton, Jacob S.	7.10	\$ 2,059.00
01/23/2008	Review email communication from Jake Wharton regarding certificate of good standing; prepare letter and request certificate of good standing for Mike Ray	Sharpe, Victoria A*	0.40	\$ 72.00
01/24/2008	Revise draft of motion for reconsideration; e-mail to Jake Wharton regarding same; several conferences with Jake Wharton regarding additions to motion to reconsider and timing of filing same	Ray, Michael E.	1.80	\$ 1,080.00

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1580644

ITEMIZED SERVICES BILL

01/24/2008	Revise motion for reconsideration of denial of seizure and secrecy orders and motion for expedited discovery and preservation of evidence; discuss same with Colin Foley and Gerry Haddad at Morgan & Finnegan and further discuss filing documents as soon as practicable; revise proposed orders and email same to Morgan & Finnegan; review draft letter to clerk regarding second filing	Wharton, Jacob S.	2.30	\$ 667.00
01/24/2008	Follow up with materials needed to obtain certificate of good standing; send request to North Carolina State Bar to request certificate of good standing for Mike Ray	Sharpe, Victoria A*	0.30	\$ 54.00
01/25/2008	Telephone conference with Gerry Haddad, Colin Foley and Jake Wharton after attempt to persuade judge to reconsider his decision on executing ex parte seizure order, and plan going forward; e-mail to Warren Zeserman regarding status and recommendations	Ray, Michael E.	1.80	\$ 1,080.00
01/25/2008	Teleconference with Gerard Haddad and Colin Foley regarding court's denial of motion for reconsideration; revise motion, memorandum, and proposed order regarding seizure to exclude ex parte nature; telephone conference with Andrew Oberfelt regarding investigative services; telephone conference with Colin Foley regarding strategy and timing of filing revised papers and conference with Mike Ray regarding same; draft status email to Warren Zeserman	Wharton, Jacob S.	3.60	\$ 1,044.00
01/26/2008	Draft revisions to motion papers for service on defendants with full notice and email same to Colin Foley; draft email to Mike Ray regarding inquiry from Warren Zeserman	Wharton, Jacob S.	1.50	\$ 435.00
01/27/2008	E-mail from and e-mail to Warren Zeserman regarding meeting Monday and additional questions	Ray, Michael E.	0.50	\$ 300.00
01/28/2008	Conference with Jake Wharton regarding next steps; telephone conference with Warren Zeserman and Jake Wharton to review plan of action; e-mails with Jake Wharton regarding stores to be investigated	Ray, Michael E.	0.90	\$ 540.00

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1580644

ITEMIZED SERVICES BILL

01/28/2008	Email to Colin Foley regarding filing motions for admission pro hac vice; revise motions, supporting affidavits, and proposed orders for admission pro hac vice and email same to Colin Foley; telephone conference with Warren Zeserman regarding authority to investigate and serve defendants and file papers with the court; teleconference with Colin Foley regarding coordinating investigation and service of documents; review certificates of services for pleadings and email Colin Foley regarding same	Wharton, Jacob S.	1.40	\$ 406.00
01/28/2008	Receive Mike Ray's latest certificate of good standing; review email communication from Jake Wharton regarding next steps for certificate of good standing; forward certificate to Kim Brandt for further processing; email correspondence with Jake Wharton regarding status of certificate	Sharpe, Victoria A*	0.40	\$ 72.00
01/29/2008	E-mails with Jake Wharton regarding letter to defendants about preserving counterfeit goods; e-mail from Jake Wharton with report from investigators; message from Warren Zeserman; e-mail to Warren Zeserman regarding investigative report and service plan for tomorrow	Ray, Michael E.	1.10	\$ 660.00
01/29/2008	Email to and from Colin Foley regarding investigation of counterfeit stores by Andrew Oberfelt and service of papers on the same; conference with Randy Springer regarding status of case; review cover letter to be served with papers on defendants	Wharton, Jacob S.	0.90	\$ 261.00
01/30/2008	E-mails with Jake Wharton and Warren Zeserman with reports throughout the day on service and investigative findings	Ray, Michael E.	1.30	\$ 780.00
01/30/2008	Review credentials of Andrew Oberfelt; email Manny Martinez status report; telephone conference with Colin Foley regarding contact from accountant for F.T.C.; telephone conference with James Johnson, accountant for F.T.C., regarding obtaining additional information from current owner of F.T.C. and send status email to Warren Zeserman and Mike Ray regarding same	Wharton, Jacob S.	1.90	\$ 551.00
01/30/2008	Conference with Jake Wharton regarding research file	Sharpe, Victoria A*	0.20	\$ 36.00

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1580644

ITEMIZED SERVICES BILL

01/31/2008	E-mails with Jake Wharton regarding his conversation with Mr. Oh, who claims to be Champion dealer	Ray, Michael E.	0.50	\$ 300.00
01/31/2008	Email to and from Colin Foley at Morgan & Finnegan regarding identifying and speaking with the correct defendants; telephone conference with Daniel Oh regarding identity of Metro Sports, Inc. as defendant; email to and from Mike Ray regarding contact and information from Daniel Oh at Metro Sports, Inc.	Wharton, Jacob S.	2.10	\$ 609.00

Total for Services:	\$ 19,082.00
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* If an asterisk appears above, it designates a Legal Assistant or other non-lawyer professional.

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1580644

TIMEKEEPER SUMMARY

Attorney:	Hours:	Amount:	Discounted Rate:	Standard Amount:	Standard Rate:
Ray, Michael E.	14.40	\$ 7,776.00	\$ 540.00	\$ 8,640.00	\$ 600.00
Wharton, Jacob S.	35.20	\$ 9,187.20	\$ 261.00	\$ 10,208.00	\$ 290.00
Sharpe, Victoria A*	1.30	\$ 210.60	\$ 162.00	\$ 234.00	\$ 180.00
Totals:	<u>50.90</u>	<u>\$ 17,173.80</u>		<u>\$ 19,082.00</u>	

* If an asterisk appears above, it designates a Legal Assistant or other non-lawyer professional.

CLIENT BILLING SUMMARY

Year-to-Date Fees:	\$ 32,873.40
Year-To-Date Expenses:	\$ 213.26
Year-To-Date Fees and Expenses:	<u>\$ 33,086.66</u>
 Fiscal Year-to-Date Fees:	 \$ 32,873.40
Fiscal Year-to-Date Expenses:	\$ 213.26
Fiscal Year-to-Date Fees and Expenses:	<u>\$ 33,086.66</u>
 Case-to-Date Fees:	 \$ 29,392.24
Case-to-Date Expenses:	\$ 2,281.48
Case-to-Date Fees and Expenses:	<u>\$ 31,673.72</u>

WOMBLE CARLYLE SANDRIDGE & RICE

A PROFESSIONAL LIMITED LIABILITY COMPANY
 ONE WEST FOURTH STREET
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 FACSIMILE (336) 721-3660

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 GREENVILLE, SC
 RALEIGH, NC
 RESEARCH TRIANGLE PARK, NC
 TYSONS CORNER, VA
 WASHINGTON, D.C.
 WILMINGTON, DE

March 10, 2008
 Matter Number 04003.0067.4
 Invoice Number 1725932
 STATEMENT FOR SERVICES RENDERED

Warren L. Zeserman, Esquire
 Hanesbrands: Champion Athleticwear
 c/o Hanesbrands Inc. - IP Law Dept.
 P.O. Box 825
 Rural Hall, NC 27045

RE: Investigation of Counterfeit SUPER HOOD Sweatshirts

FOR PROFESSIONAL SERVICES RENDERED THRU 02/29/2008	\$8,311.00
LESS DISCOUNT	- \$831.10
TOTAL FEES	\$7,479.90
DISBURSEMENTS THRU 02/29/2008	\$542.51
CURRENT TOTAL	<u>\$8,022.41</u>

If paying by check, please remit payment on receipt to the following address:	If paying by wire, please remit payment on receipt as follows:	
PO Box 601879 Charlotte, North Carolina 28260-1879 PLEASE RETURN THIS PAGE WITH PAYMENT	Wachovia Bank, N.A. 1525 W.T. Harris Blvd. Charlotte, NC 28288 ABA no. 053000219 Swift Code: PNBPU33	For Credit To: Womble Carlyle Sandridge & Rice, PLLC One West Fourth Street Winston-Salem, NC 27101 Account no. 2087311040408
Please do not use the above address for trust funds or retainer payments. Please send all trust funds and retainer payments directly to One West Fourth Street, Winston-Salem, NC 27101.	PLEASE include our bill # and 10-digit client/matter# on EFT, or e-mail remittance advice to AccountsReceivable@wcsr.com.	
Tax Identification Number 56-0308470		

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March 10, 2008
Matter Number 04003.0067.4
Invoice Number 1725932
STATEMENT FOR SERVICES RENDERED

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Rural Hall, NC 27045

RE: Investigation of Counterfeit SUPER HOOD Sweatshirts

FOR PROFESSIONAL SERVICES RENDERED THRU 02/29/2008	\$8,311.00
LESS DISCOUNT	<u>- \$831.10</u>
TOTAL FEES	\$7,479.90
DISBURSEMENTS THRU 02/29/2008	<u>\$542.51</u>
CURRENT TOTAL	<u>\$8,022.41</u>

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1725932

ITEMIZED SERVICES BILL

Date:	Description:	Attorney:	Hours:	Amount:
02/01/2008	E-mails with Jake Wharton regarding identity of Metro Store by Manny Martinez	Ray, Michael E.	0.20	\$ 120.00
02/01/2008	Review options for filing amended complaint and email same to Mike Ray; email to and from Manny Martinez regarding identity of Metro Sports, Inc. d/b/a OJD Sportsworld; email to and from Warren Zeserman, Mike Ray, and Randy Springer regarding legitimacy of account allegedly held by Metro Sports, Inc.; telephone conference with Daniel Oh of Metro Sports regarding his request to be dismissed from law suit	Wharton, Jacob S.	1.40	\$ 406.00
02/02/2008	Email to Mike Ray and Warren Zeserman regarding recommendations to file amended complaint and reserve defendants	Wharton, Jacob S.	0.60	\$ 174.00
02/03/2008	E-mail from Jake Wharton; e-mail to Warren Zeserman regarding recommendation to amend complaint to omit Metro Sports, Inc.	Ray, Michael E.	0.60	\$ 360.00
02/03/2008	Email to Mike Ray and Warren Zeserman regarding recommendations to file amended complaint and reserve defendants	Wharton, Jacob S.	0.10	\$ 29.00
02/04/2008	E-mail from Warren Zeserman regarding Daniel Oh; e-mails with Jake Wharton regarding new information from Octane store and agreement to cooperate; conference with Jake Wharton regarding notice of dismissal of Metro Sports, Inc.; e-mails with Jake Wharton regarding filing of motion papers and amendment	Ray, Michael E.	1.20	\$ 720.00
02/04/2008	Email to Manny Martinez and Warren Zeserman regarding address of Metro Sports, Inc.; telephone conference with Andrew Oberfelt of Abacus Security regarding potential follow-up investigations; draft amended complaint and motion papers to drop Metro Sports, Inc. from the pleadings; telephone conference with buyer from Octane regarding supplier of counterfeits and draft email to Warren Zeserman regarding same; draft motion for leave to file amended complaint; place call to Ali Khalil at London Boy; teleconference with Warren Zeserman regarding amending pleadings	Wharton, Jacob S.	4.50	\$ 1,305.00

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1725932

ITEMIZED SERVICES BILL

Date	Description	Attorney	Hours	Amount
02/05/2008	E-mail from Jake Wharton regarding contact with defendant Flash Sports and from Warren Zeserman regarding using Manny Martinez as resource; review reports from Jake Wharton regarding London Boy/Michael Fashion and conference with Jake Wharton regarding filing today; discuss with Jake Wharton papers to be served on Metro Sports and e-mail from Colin Foley regarding same	Ray, Michael E.	1.30	\$ 780.00
02/05/2008	Email to and from and teleconference with Colin Foley regarding revisions to pleadings that dismiss Metro Sports, Inc.; teleconference with Abraham Dostse of Flash Sports regarding counterfeits and draft email to Warren Zeserman and Mike Ray regarding same; teleconference with Ali Khalil regarding counterfeits and draft email to Warren Zeserman and Mike Ray regarding same; email to Manny Martinez regarding source for transshipped goods	Wharton, Jacob S.	2.70	\$ 783.00
02/06/2008	E-mails with Jake Wharton regarding further investigation as suggested by Manny Martinez; e-mail from Jake Wharton; e-mail to Warren Zeserman with status report and recommendations	Ray, Michael E.	0.90	\$ 540.00
02/06/2008	Email to and from Mike Ray regarding recommendations to HBI on future investigations; review pleadings filed by Morgan and Finnegan; email to and from Manny Martinez regarding BW Sportswear; place call to Ishmael at Octane; review strategies for HBI going forward and discuss same with Randy Springer; review and revise letter to defendants regarding amended pleadings; telephone conference with Colin Foley regarding serving revised pleadings on defendants and providing courtesy copies of pleadings to Judge Marrero	Wharton, Jacob S.	2.30	\$ 667.00
02/07/2008	E-mail to Warren Zeserman regarding using Andrew Oberfelt for follow-up investigation with defendants willing to cooperate	Ray, Michael E.	0.40	\$ 240.00
02/07/2008	Teleconference with Andrew Oberfelt regarding interviewing cooperative defendants; draft recommendation to Warren Zeserman regarding same	Wharton, Jacob S.	0.30	\$ 87.00
02/12/2008	Review affidavits of service on defendants; call cooperating defendants to request documents	Wharton, Jacob S.	0.40	\$ 116.00
02/14/2008	E-mails with Jake Wharton regarding follow-up by investigative agency	Ray, Michael E.	0.40	\$ 240.00

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1725932

ITEMIZED SERVICES BILL

Date	Description	Attorney	Hours	Amount
02/14/2008	Conference with Randy Springer regarding follow-up with defendants to obtain additional information regarding counterfeit source	Wharton, Jacob S.	0.60	\$ 174.00
02/15/2008	Consider whether amended summons are needed for Metro Sports stores and discuss same with Colin Foley	Wharton, Jacob S.	0.20	\$ 58.00
02/18/2008	Telephone call with James Johnson, accountant for Mohammed Ceesay, owner of F.T.C., and Mohammed Ceesay	Wharton, Jacob S.	0.10	\$ 29.00
02/19/2008	E-mail from Jake Wharton regarding contact from Octane/Trandz and follow-up with Andrew Oberfelt	Ray, Michael E.	0.30	\$ 180.00
02/19/2008	Telephone conference with Ishmael from Octane/Trandz regarding his efforts to obtain documents regarding counterfeits; review order granting attorney admission pro hac vice; contact Andrew Oberfelt regarding follow-up investigation of defendants	Wharton, Jacob S.	0.40	\$ 116.00
02/20/2008	E-mails with Jake Wharton regarding call with owner of F.T.C.	Ray, Michael E.	0.30	\$ 180.00
02/20/2008	Teleconference with Mohammed Ceesay, owner of F.T.C.; teleconference with Andrew Oberfelt regarding follow-up investigation of defendants; draft summary of information concerning the cooperating defendants and email same to Andrew Oberfelt at Abacus Security for follow-up investigation	Wharton, Jacob S.	0.70	\$ 203.00
02/21/2008	E-mail from Jake Wharton regarding conversation with Andrew Oberfelt on follow-up	Ray, Michael E.	0.20	\$ 120.00
02/21/2008	Email to and from Mike Ray regarding status of follow-up investigation of defendants	Wharton, Jacob S.	0.10	\$ 29.00
02/27/2008	Review status of investigation by private investigator and report same to Randy Springer; review status of registration of CHAMPION Class 25 marks with U.S. Customs and Border Protection	Wharton, Jacob S.	0.30	\$ 87.00
02/28/2008	Review invoice from Abacus Security and forward to Mike Ray; teleconference with Andrew Oberfelt from Abacus Security regarding follow-up investigation; email to and from Colin Foley regarding service of defendants and possible strategies to get a quick hearing; review affidavits of service on final two defendants	Wharton, Jacob S.	0.60	\$ 174.00

04003.0067.4/1725932

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

ITEMIZED SERVICES BILL

02/29/2008	E-mail from Jake Wharton regarding default by defendants	Ray, Michael E.	0.20	\$ 120.00
02/29/2008	Conference with paralegal regarding calculating due dates for defendants to answer complaint; email to Mike Ray regarding default judgment on defendants	Wharton, Jacob S.	0.20	\$ 58.00
02/29/2008	Conference with Jake Wharton regarding response deadlines for opposing parties; review documents and figure deadlines; prepare email to Jake Wharton listing deadline dates	Sharpe, Victoria A*	1.20	\$ 216.00
Total for Services:				\$ 8,311.00

* If an asterisk appears above, it designates a Legal Assistant or other non-lawyer professional.

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1725932

DISBURSEMENTS AND OTHER CHARGES

Date:	Description:	Amount:
Dec 8, 2007	Computer Research - Westlaw	\$ 16.00
Dec 12, 2007	Computer Research - Westlaw	\$ 438.00
Jan 16, 2008	Express Delivery Charge Federal Express Corporation; 798853041390; Morgan & Finnegan, Colin Foley, NEW YORK, NY	\$ 27.39
Jan 23, 2008	Express Delivery Charge Federal Express Corporation; 790430981102; Supreme Court of Missouri, Clerk, JEFFERSON CITY, MO	\$ 27.03
Jan 24, 2008	Express Delivery Charge Federal Express Corporation; 641800040859; NORTH CAROLINA STATE BAR, RALEIGH, NC	\$ 10.44
Jan 28, 2008	Express Delivery Charge Federal Express Corporation; 798361067925; Morgan & Finnegan, Colin Foley, Esq., NEW YORK, NY	\$ 19.55
	Photocopies	\$ 4.10
Total Disbursements:		<u>\$ 542.51</u>

Any disbursement appearing on our statements as Business Meals and Entertainment is stated at cost. The Revenue Reconciliation Act of 1993 reduced the deductibility of these expenses to you from 80% to 50%. We maintain the supporting documentation for these costs and will make the documentation available to you upon request.

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1725932

TIMEKEEPER SUMMARY

Attorney:	Hours:	Amount:	Discounted Rate:	Standard Amount:	Standard Rate:
Ray, Michael E.	6.00	\$ 3,240.00	\$ 540.00	\$ 3,600.00	\$ 600.00
Wharton, Jacob S.	15.50	\$ 4,045.50	\$ 261.00	\$ 4,495.00	\$ 290.00
Sharpe, Victoria A*	1.20	\$ 194.40	\$ 162.00	\$ 216.00	\$ 180.00
Totals:	<u>22.70</u>	<u>\$ 7,479.90</u>		<u>\$ 8,311.00</u>	

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CLIENT BILLING SUMMARY

Year-to-Date Fees:	\$ 40,353.30
Year-To-Date Expenses:	\$ 755.77
Year-To-Date Fees and Expenses:	<u>\$ 41,109.07</u>
 Fiscal Year-to-Date Fees:	 \$ 40,353.30
Fiscal Year-to-Date Expenses:	\$ 755.77
Fiscal Year-to-Date Fees and Expenses:	<u>\$ 41,109.07</u>
 Case-to-Date Fees:	 \$ 82,962.94
Case-to-Date Expenses:	\$ 3,112.68
Case-to-Date Fees and Expenses:	<u>\$ 86,075.62</u>

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April 16, 2008
 Matter Number 04003.0067.4
 Invoice Number 1734417
 STATEMENT FOR SERVICES RENDERED

Warren L. Zeserman, Esquire
 Hanesbrands: Champion Athleticwear
 c/o Hanesbrands Inc. - IP Law Dept.
 P.O. Box 825
 Rural Hall, NC 27045

RE: Investigation of Counterfeit SUPER HOOD Sweatshirts

FOR PROFESSIONAL SERVICES RENDERED THRU 03/31/2008	\$6,402.00
LESS DISCOUNT	- \$640.20
TOTAL FEES	\$5,761.80
DISBURSEMENTS THRU 03/31/2008	\$0.00
CURRENT TOTAL	\$5,761.80

If paying by check , please remit payment on receipt to the following address:	If paying by wire , please remit payment on receipt as follows:	
PO Box 601879 Charlotte, North Carolina 28260-1879	Wachovia Bank, N.A. 1525 W.T. Harris Blvd. Charlotte, NC 28288 ABA no. 053000219 Swift Code: PNBPU33	<u>For Credit To:</u> Womble Carlyle Sandridge & Rice, PLLC One West Fourth Street Winston-Salem, NC 27101 Account no. 2087311040408
PLEASE RETURN THIS PAGE WITH PAYMENT	PLEASE include our bill # and 10-digit client/matter# on EFT, or e-mail remittance advice to AccountsReceivable@wcsr.com .	
Tax Identification Number 56-0308470		

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April 16, 2008
Matter Number 04003.0067.4
Invoice Number 1734417
STATEMENT FOR SERVICES RENDERED

Warren L. Zeserman, Esquire
Hanesbrands: Champion Athleticwear
c/o Hanesbrands Inc. - IP Law Dept.
P.O. Box 825
Rural Hall, NC 27045

RE: Investigation of Counterfeit SUPER HOOD Sweatshirts

FOR PROFESSIONAL SERVICES RENDERED THRU 03/31/2008	\$6,402.00
LESS DISCOUNT	<u>- \$640.20</u>
TOTAL FEES	\$5,761.80
DISBURSEMENTS THRU 03/31/2008	<u>\$0.00</u>
CURRENT TOTAL	<u>\$5,761.80</u>

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1734417

ITEMIZED SERVICES BILL

Date:	Description:	Attorney:	Hours:	Amount:
03/03/2008	E-mail from Warren Zeserman; e-mail to Warren Zeserman with status report	Ray, Michael E.	0.50	\$ 300.00
03/03/2008	Draft status report	Wharton, Jacob S.	0.50	\$ 145.00
03/04/2008	E-mail from and e-mail to Warren Zeserman regarding entitlements if we seek default judgments against defendants	Ray, Michael E.	0.50	\$ 300.00
03/04/2008	Research options for money judgments under default judgment scenario and email same to Mike Ray	Wharton, Jacob S.	1.10	\$ 319.00
03/05/2008	E-mail from Warren Zeserman regarding proceeding with Andrew Oberfledt	Ray, Michael E.	0.20	\$ 120.00
03/05/2008	Review report from Abacus Security regarding follow-up investigation of defendants	Wharton, Jacob S.	0.30	\$ 87.00
03/10/2008	Review Abacus report; e-mails with Jake Wharton regarding availability of discovery after entry of default	Ray, Michael E.	0.50	\$ 300.00
03/10/2008	Draft report and recommendation on case status to Warren Zeserman; legal research regarding whether a party may take discovery after the clerk enters default but prior to the court entering default judgment	Wharton, Jacob S.	1.90	\$ 551.00
03/11/2008	E-mail to Warren Zeserman with status report and recommendation	Ray, Michael E.	0.30	\$ 180.00
03/11/2008	Legal research regarding whether a party may take discovery after the clerk has entered default and ability to obtain statutory damages and attorneys' fees after entry of default judgment; prepare revised recommendation to Warren Zeserman regarding proposed course of action	Wharton, Jacob S.	2.90	\$ 841.00
03/14/2008	Brief conference with Warren Zeserman regarding proceeding with our recommended course of action and email regarding same	Ray, Michael E.	0.20	\$ 120.00
03/14/2008	Consider strategies on default judgment and provide status report to Randy Springer	Wharton, Jacob S.	0.20	\$ 58.00
03/19/2008	E-mail from and e-mail to Warren Zeserman regarding contacting Missouri distributor regarding Super Hoods trans-shipped to New York	Ray, Michael E.	0.40	\$ 240.00

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1734417

ITEMIZED SERVICES BILL

03/19/2008	Draft motion for default; research requirements for affidavits submitted in support of motion for default; draft affidavit supporting motion for default; email to and from Mike Ray about Missouri authorized SUPER HOOD dealer trans-shipping goods to New York City	Wharton, Jacob S.	2.00	\$ 580.00
03/21/2008	Work on motion for entry of default and accompanying declaration of Colin Foley; e-mail to Jake Wharton regarding same	Ray, Michael E.	0.60	\$ 360.00
03/21/2008	Conference with Colin Foley regarding filing motion for default; revise and send motion for default and supporting affidavit to Morgan Finnegan for filing	Wharton, Jacob S.	0.50	\$ 145.00
03/24/2008	Review changes to draft default pleadings and e-mail to Jake Wharton regarding same	Ray, Michael E.	0.30	\$ 180.00
03/24/2008	Telephone conference with Colin Foley at Morgan Finnegan regarding edits to motion for default; review and revise motion for default certificate and send revised version to Mike Ray for review and Colin Foley for filing	Wharton, Jacob S.	0.50	\$ 145.00
03/25/2008	Teleconference with Colin Foley regarding obtaining a certificate of default and email same to Mike Ray and Warren Zeserman	Wharton, Jacob S.	0.30	\$ 87.00
03/26/2008	E-mail to Warren Zeserman with recommendation following certificates of default; e-mail from Zeserman authorizing same	Ray, Michael E.	0.40	\$ 240.00
03/26/2008	Draft recommendations to Warren Zeserman on how to proceed after entry of the certificate of default	Wharton, Jacob S.	0.30	\$ 87.00
03/28/2008	E-mails with Jake Wharton regarding default letters to defendants	Ray, Michael E.	0.40	\$ 240.00
03/28/2008	Draft letters to defendants regarding default	Wharton, Jacob S.	1.30	\$ 377.00
03/31/2008	Finalize and serve letters to defendants regarding default and request for additional information	Wharton, Jacob S.	0.20	\$ 58.00
03/31/2008	Prepare letters to defendants for Jake Wharton	Sharpe, Victoria A*	1.90	\$ 342.00
Total for Services:				\$ 6,402.00

* If an asterisk appears above, it designates a Legal Assistant or other non-lawyer professional.

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1734417

TIMEKEEPER SUMMARY

Attorney:	Hours:	Amount:	Discounted Rate:	Standard Amount:	Standard Rate:
Ray, Michael E.	4.30	\$ 2,322.00	\$ 540.00	\$ 2,580.00	\$ 600.00
Wharton, Jacob S.	12.00	\$ 3,132.00	\$ 261.00	\$ 3,480.00	\$ 290.00
Sharpe, Victoria A*	1.90	\$ 307.80	\$ 162.00	\$ 342.00	\$ 180.00
Totals:	<u>18.20</u>	<u>\$ 5,761.80</u>		<u>\$ 6,402.00</u>	

* If an asterisk appears above, it designates a Legal Assistant or other non-lawyer professional.

CLIENT BILLING SUMMARY

Year-to-Date Fees:	\$ 46,115.10
Year-To-Date Expenses:	\$ 49,199.30
Year-To-Date Fees and Expenses:	<u>\$ 95,314.40</u>
 Fiscal Year-to-Date Fees:	 \$ 88,298.95
Fiscal Year-to-Date Expenses:	\$ 51,556.21
Fiscal Year-to-Date Fees and Expenses:	<u>\$ 139,855.16</u>
 Case-to-Date Fees:	 \$ 88,724.74
Case-to-Date Expenses:	\$ 3,112.68
Case-to-Date Fees and Expenses:	<u>\$ 91,837.42</u>

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April 16, 2008
 Matter Number 04003.0067.4
 Invoice Number 1734418
 STATEMENT FOR SERVICES RENDERED

Warren L. Zeserman, Esquire
 Hanesbrands: Champion Athleticwear
 c/o Hanesbrands Inc. - IP Law Dept.
 P.O. Box 825
 Rural Hall, NC 27045

RE: Investigation of Counterfeit SUPER HOOD Sweatshirts

DISBURSEMENTS THRU 03/31/2008 \$24,221.77

CURRENT TOTAL **\$24,221.77**

If paying by check , please remit payment on receipt to the following address:	If paying by wire , please remit payment on receipt as follows:		
PO Box 601879 Charlotte, North Carolina 28260-1879 PLEASE RETURN THIS PAGE WITH PAYMENT	<table border="0"> <tr> <td data-bbox="787 1298 1079 1457"> Wachovia Bank, N.A. 1525 W.T. Harris Blvd. Charlotte, NC 28288 ABA no. 053000219 Swift Code: PNBPU33 </td><td data-bbox="1079 1298 1508 1457"> For Credit To: Womble Carlyle Sandridge & Rice, PLLC One West Fourth Street Winston-Salem, NC 27101 Account no. 2087311040408 </td></tr> </table>	Wachovia Bank, N.A. 1525 W.T. Harris Blvd. Charlotte, NC 28288 ABA no. 053000219 Swift Code: PNBPU33	For Credit To: Womble Carlyle Sandridge & Rice, PLLC One West Fourth Street Winston-Salem, NC 27101 Account no. 2087311040408
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Please do not use the above address for trust funds or retainer payments. Please send all trust funds and retainer payments directly to One West Fourth Street, Winston-Salem, NC 27101.	PLEASE include our bill # and 10-digit client/matter# on EFT, or e-mail remittance advice to AccountsReceivable@wcsr.com.		
Tax Identification Number 56-0308470			

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April 16, 2008
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Hanesbrands: Champion Athleticwear
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P.O. Box 825
Rural Hall, NC 27045

RE: Investigation of Counterfeit SUPER HOOD Sweatshirts

DISBURSEMENTS THRU 03/31/2008 \$24,221.77

CURRENT TOTAL \$24,221.77

Hanesbrands: Champion Athleticwear
Investigation of Counterfeit SUPER HOOD Sweatshirts

04003.0067.4/1734418

DISBURSEMENTS AND OTHER CHARGES

Date:	Description:	Amount:
Feb 11, 2008	Associate Counsel Fees & Exp. Morgan & Finnegan, L.L.P. - Trademark litigation regarding Counterfeit Champion SUPER HOOD Sweatshirts **	\$ 24,221.77
Total Disbursements:		<u>\$ 24,221.77</u>

Any disbursement appearing on our statements as Business Meals and Entertainment is stated at cost. The Revenue Reconciliation Act of 1993 reduced the deductibility of these expenses to you from 80% to 50%. We maintain the supporting documentation for these costs and will make the documentation available to you upon request.

** At the time this Womble Carlyle invoice was issued, the appropriate vendor had not been paid for the disbursements denoted by '***'. The vendor will be paid when payment is received on this Womble Carlyle invoice.

CLIENT BILLING SUMMARY

Year-to-Date Fees:	\$ 46,115.10
Year-To-Date Expenses:	\$ 49,199.30
Year-To-Date Fees and Expenses:	<u>\$ 95,314.40</u>
 Fiscal Year-to-Date Fees:	 \$ 88,298.95
Fiscal Year-to-Date Expenses:	\$ 51,556.21
Fiscal Year-to-Date Fees and Expenses:	<u>\$ 139,855.16</u>
 Case-to-Date Fees:	 \$ 82,962.94
Case-to-Date Expenses:	\$ 27,334.45
Case-to-Date Fees and Expenses:	<u>\$ 110,297.39</u>

Exhibit L

Affidavit of Jacob Steven Wharton

Attorneys' Fees and Costs

Morgan Finnegan

<u>Through Date</u>	<u>Fees</u>	<u>Disbursements</u>	
31-Dec-07	4456.25	0.00	
31-Jan-08	45646.25	2797.28	
29-Feb-08	9767.50	2155.93	
31-Mar-08	5916.25	28.80	
Totals	65786.25	4982.01	70768.26

Womble Carlyle

<u>Through Date</u>	<u>Fees</u>	<u>Disbursements</u>	
31-May-07	425.79	0.00	
30-Jun-07	0.00	0.00	
31-Jul-07	0.00	0.00	
31-Aug-07	0.00	2249.20	
30-Sep-07	188.55	0.00	
31-Oct-07	691.65	0.00	
30-Nov-07	10912.45	32.28	
31-Dec-07	30391.20	75.43	
31-Jan-08	32873.40	213.26	
29-Feb-08	7479.90	542.51	
31-Mar-08	5761.80	0.00	
Totals	88724.74	3112.68	91837.42
GRAND TOTALS	154510.99	8094.69	162605.68

Exhibit M

Affidavit of Jacob Steven Wharton

3. I respectfully submit this affidavit in support of Plaintiffs' Motion for a Temporary Restraining Order, Seizure Order, Asset Restraining Order, Expedited Discovery Order, Preservation Order, Order to Show Cause for Preliminary Injunction, and Secrecy Order.

a. I was informed by Manuel Martinez that various retailers in the New York metropolitan area are selling counterfeit sweatshirts that are counterfeit Super Hood® sweatshirts (hereinafter "SUPER HOOD sweatshirts") sold under the Champion® Athleticwear brand. Mr. Martinez also informed me that counterfeit sweatshirts differ from authentic SUPER HOOD sweatshirts in the following manner: Tags on counterfeit sweatshirts read "RED" instead of "SCARLET" and "GREEN" instead of "CAMO";

b. the zippers on the counterfeit sweatshirts have more shine; and

c. the inside garment tag on counterfeit sweatshirts would read Made In Malaysia.

4. Based on this information, I purchased counterfeit sweatshirts from the following locations, with the name appearing on the outside of the store listed, the date of purchase:

- Dec. 4, 2007 – Metro Sports, 2946 Third Avenue, New York, New York 10455
- Dec. 4, 2007 – Michael Fashion, 2936 Third Avenue, New York, New York 10455

5. I gave the counterfeit sweatshirts and receipts received from the purchases, if any, to Manuel Martinez.

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Further affiant sayeth not.



Ruandy Melo

SWORN to and subscribed before me

this 18 day of January, 2008.



Notary Public

My Commission Expires: _____
BARRY FEINBERG
Notary Public, State of New York
No. 01FF4610106
Qualified in Queens County
Commission Expires 08/30/2009

Exhibit N

Affidavit of Jacob Steven Wharton

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

	X	
HANESBRANDS INC. and HBI BRANDED APPAREL ENTERPRISES, LLC,	:	
	:	
	:	
Plaintiffs,	:	Civil Action No. 08 CV 0545 (VM)
	:	
- against -	:	
	:	
METRO SPORTS INC. (d/b/a PLAYERS SPORTS, d/b/a HOT DOT, d/b/a HIP HOP SPORTSWEAR); HOT DOT FASHION, INC.; HIP HOP SPORTSWEAR INC.; MICHAEL FASHIONS INC. (d/b/a MICHAEL FASHION); LONDON BOY SPORTSWEAR, LTD. (d/b/a LONDON BOY); TRANDZ N.Y., CORP. (d/b/a OCTANE); OCTANE NYC INC. (d/b/a OCTANE); FLASH SPORTS, INC.; 104TH ST. FASHION INC. (d/b/a 104 STREET FASHIONS, d/b/a 104 FASHIONS); F.T.C. FASHION; various JOHN and JANE DOES, and XYZ COMPANIES (UNIDENTIFIED),	:	
	:	
Defendants.	:	
	X	

AFFIDAVIT OF ALLEN ORTIZ

COMES NOW, Allen Ortiz, and being duly sworn, testifies as follows:

1. I have personal knowledge of the information contained in this affidavit unless otherwise indicated. I am over eighteen years of age and competent to provide this testimony.
2. I was hired by American Branding Agency Corporation to assist with the investigation of counterfeit SUPER HOOD® sweatshirts in New York City.
3. I respectfully submit this affidavit in support of Plaintiffs' Motion for a Temporary Restraining Order (*Ex Parte*), Seizure Order (*Ex Parte*), Expedited Discovery Order (*Ex*

Parte), Preservation Order (*Ex Parte*), Order to Show Cause for Preliminary Injunction, and Secrecy Order (*Ex Parte*).

4. I was informed by Manuel Martinez that various retailers in the New York metropolitan area are selling counterfeit sweatshirts that are counterfeit Super Hood® sweatshirts (hereinafter “SUPER HOOD sweatshirts”) sold under the Champion® Athleticwear brand. Mr. Martinez also informed me that counterfeit sweatshirts differ from authentic SUPER HOOD sweatshirts in the following manner:

- a. Tags on counterfeit sweatshirts read “RED” instead of “SCARLET” and “GREEN” instead of “CAMO”;
- b. the zippers on the counterfeit sweatshirts have more shine; and
- c. the inside garment tag on counterfeit sweatshirts would read Made In Malaysia.

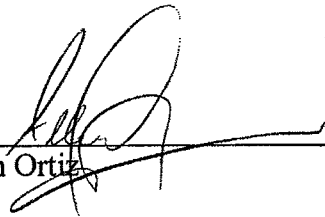
5. Based on this information, I purchased counterfeit sweatshirts from the following locations, with the name appearing on the outside of the store listed, the date of purchase, as well as whether I noticed authentic SUPER HOOD sweatshirts mixed with counterfeits:

- Dec. 6, 2007 – F.T.C. Fashion at 3663 Broadway, Manhattan, New York 10031 (authentic goods were mixed with counterfeits)
- Dec. 4, 2007 – Metro Sports, 565 West 145th Street, Manhattan, New York 10031
- Dec. 4, 2007 – London Boy, 2908 Third Avenue, Bronx, New York 10455 (authentic goods were mixed with counterfeits)
- Dec. 8, 2007 – Octane, 560 Melrose Avenue, Bronx, New York 10455 (authentic goods were mixed with counterfeits)
- Dec. 8, 2007 – Flash Sports, 16 West 125th Street, Manhattan, New York 10027
- Dec. 6, 2007 – Metro Sports, 118 West 125th Street, Manhattan, New York 10027

- Dec. 4, 2007 – 104 Fashions, 1887 Third Avenue, Manhattan, New York 10029

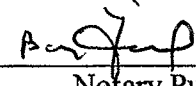
6. I gave the counterfeit sweatshirts and receipts received from the purchases, if any, to Manuel Martinez.

Further affiant sayeth not.


Allen Ortiz

SWORN to and subscribed before me

this 18 day of JANUARY, 2008.


Notary Public

My Commission Expires: **BARRY FEINBERG**
Notary Public, State of New York
No. 01FE4610106
Qualified in Queens County
Commission Expires 09/30/2009